BAY COMMUNICATIONS, LLC'S

APPLICATION FOR

RE-CERTIFICATION

OF A TELECOMMUNICATIONS FACILITY ON

SOUTHEAST ROAD

IN

NEW HARTFORD, CONNECTICUT

March 17, 2009

BAY COMMUNICATIONS

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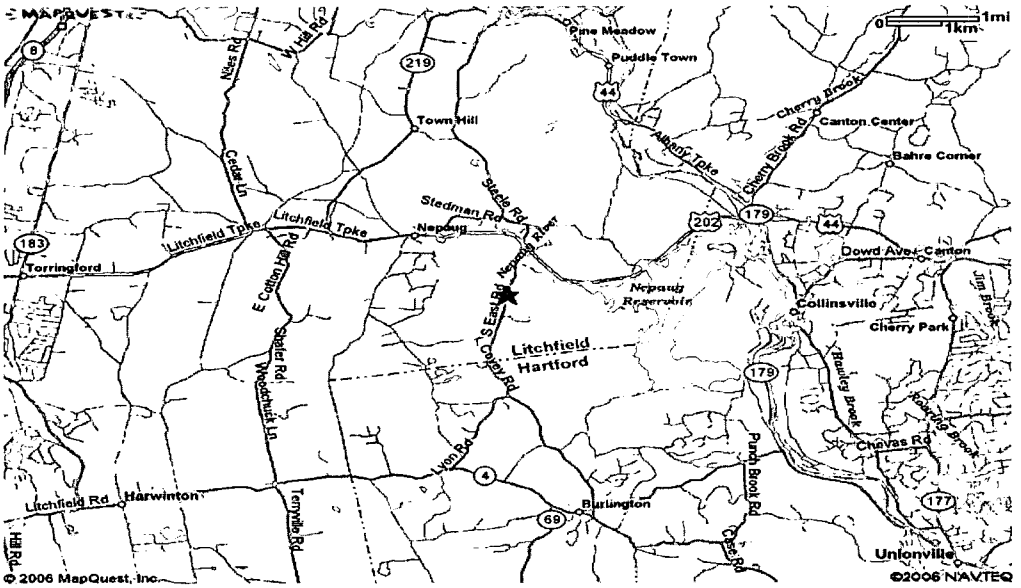
OVERVIEW

Location	Southeast Road, New Hartford
Height Bay is requesting	160'
Was the monopole previously certified by the Council?	Yes. The Council approved the original Sprint application for this tower at 150' in Docket No. 251. The Council re-certified this tower in Docket No. 314.
What happened to the Certificate?	The Certificate expired because delays in the construction of the access road didn't allow Bay to build the tower in the time frame prescribed by the Council.
Height the monopole will be built at.	The Council approved an increase in height to 160' in Verizon's Petition No. 649.
How did Bay Communications get involved?	The Certificate for Docket No. 251 was transferred from Sprint to Bay.
What is being requested now?	Re-certification of the telecommunications facility approved in Docket No. 251 and re-certified in Docket No. 314.
Has anything changed since the Council approved the original Certificate?	Yes. The design of the Spruce Brook Bridge crossing has been modified. In addition, the proposed alignment of the access road has been slightly adjusted and the proposed grades east of Spruce Brook have been reduced.



BACKGROUND

On November 20, 2003, the Connecticut Siting Council ("Council") issued a Certificate of Environmental Compatibility and Public Need in Docket No. 251 to Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint") for the construction, maintenance and operation of a 150-foot monopole and associated equipment on Southeast Road in New Hartford, Connecticut (the "Facility"). The Decision and Order, Opinion and Findings of Fact[1] for Docket No. 251 are attached under Tab 1.

In October 2003, Cellco Partnership d/b/a Verizon Wireless ("Verizon") petitioned the Council for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need was required to extend the height of the monopole in Docket No. 251 to 160 feet (Petition No. 649, attached under Tab 2). The Council granted Verizon's Petition on February 3, 2004 (Council approval, attached under Tab 2). Therefore, Sprint's D&M plans under Docket No. 251, approved by the Council on March 4, 2004 (attached under Tab 3), incorporated all of Verizon's modifications including the extension of the monopole to 160 feet. On August 12, 2004, the Council approved the transfer of the Certificate in Docket No. 251 to Bay Communications, LLC ("Bay").

On July 27, 2006, the Council re-certified the Facility in Docket No. 314 issuing a Certificate of Environmental Compatibility and Public Need to Bay. The Decision and Order, Opinion and Findings of Fact for Docket No. 314 are attached under Tab 4. The Council approved the D&M plans filed in Docket No. 314 on December 12, 2006 (included under Tab 5).

[1] Please note that although the Findings of Fact for Docket No. 251 say "draft" they are the final version of the Findings of Fact.

On January 24, 2008 the Council approved Bay's request for an extension of time to complete construction of the Facility (included under Tab 6). The Council granted an extension of time for such completion until April 30, 2008. On April 24, 2008 the Council approved Bay's second request for an extension of time to complete construction of the facility (included under Tab 7) ("Second Extension"). The Council granted the Second Extension until September 30, 2008.

Bay is now applying to the Council for another re-certification of the Facility ("Application") because Bay was not able to complete construction of the telecommunications tower within the time period granted by the Council's Second Extension under Docket No. 314.

BAY'S PROPOSAL

The Facility proposed herein for re-certification substantially conforms to the Facility approved during the D&M process of Docket No. 314. This Facility has three basic changes: (1) the Spruce Brook Bridge crossing (or the "Bridge") has been modified; (2) the access road has been slightly realigned; and (3) the amount of grading along the east side of Spruce Brook has been reduced. The three changes will not have an adverse environmental effect. The changes are discussed in detail below.

Because the Facility Bay is proposing to re-certify substantially conforms to that approved by the Council during the D&M process for Docket No. 251, Bay respectfully requests that the entire record of Docket No. 251 be incorporated herein by reference only. The Facility Bay is proposing to re-certify in this application is also substantially similar to the Facility re-certified in Docket No. 314. Bay also respectfully requests that the entire record of Docket No. 314 be incorporated herein by reference only.

As a result, Bay will not be restating the evidence proving that the Facility proposed herein will not have a substantial adverse effect on the environment. Rather, Bay will rely on evidence presented in Docket No. 251, the Council's Findings of Fact, Decision and Order, and Opinion in Docket No. 251, and the evidence presented in Docket No. 314 as well as the Council's Findings of Fact, Decision and Order, and Opinion in Docket No. 314. Therefore, this re-certification application will be limited to evidence that the modifications made to the Spruce Brook Bridge crossing, the access road and the grading will not have a substantial environmental impact.

Bay understands the importance of the timely completion of this Facility. Although Bay has faced many unanticipated difficulties during the construction of the access road of this Facility, Bay is confident that all such issues have been resolved prior to the submission of this Application for re-certification. Bay appreciates the public need for this Facility and if granted re-certification, Bay will expedite the completion of construction and the commencement of wireless service at this Facility.

PRELIMINARY INFORMATION

A. The Applicant

Bay Communications, LLC is a Delaware limited liability company with James R. Riley as its Manager. Bay's address and contact information is as follows:

20 Westminster Street, 3rd Floor
Providence, RI 02903
Phone: 401-351-7337 ext. 102
Fax: 401-351-5755
Email: jriley@baycommunicationsllc.com

B. Correspondence and Service

All communications and correspondence with regard to this Application should be addressed to:

Thomas J. Regan, Esquire
Brown Rudnick LLP
CityPlace I, 38th Floor
185 Asylum Street
Hartford, CT 06103-3402
Phone: 860-509-6522
Fax: 860-509-6501
Email: tregan@brownrudnick.com

C. Statutory Authority

This application for re-certification and accompanying attachments are submitted by Bay pursuant to Conn. Gen. Stat. § 16-50g et seq., and Conn. Agencies Regs. § 16-50j-1 et seq. This application for re-certification follows the format prescribed in the Council's "Application Guide for Community Antenna Television and Telecommunications Facilities" dated June 23, 2004 (the "Application Guide"). A copy of the Application Guide, with page number references to Bay's Application, is included under Tab 8.

D. Notice

Pursuant to Conn. Gen. Stat. § 16-50*l*(b), public notice was published in The Hartford Courant (Zone 5), The Register Citizen and the Republican-American on January 29, 2009 and February 3, 2009. A copy of the notice is included under Tab 9. The Affidavits of Publication for The Hartford Courant, The Register Citizen and the Republican-American are also included under Tab 9.

Concurrent with the publication of the public notice, all abutting landowners were given notice of the filing of the re-certification application via certified mail. All return receipts were received. A list of abutting landowners, a copy of the letter sent to the abutters and a copy of the return receipts are included under Tab 10.

E. Application Fee

Pursuant to Conn. Agencies Regs. §16-50v-1a, the filing fee for this re-certification application ($1,000.00) was paid to the Council at the time of filing.

F. Proof of Service

Included under Tab 11 is a list of the individuals and agencies that received a complete copy of this re-certification application via first class mail, pursuant to Conn. Gen. Stat. § 16-50*l*(b).

CORE INFORMATION

A. Brief Overview of the Facility

The Facility is located on a 64-acre, heavily wooded parcel owned by Paul M. Miano on Southeast Road in New Hartford, Connecticut (the "Property").[2] The 160-foot monopole (or the "Tower") will be located within a 65-foot by 75-foot compound within a 100-foot by 100-foot lease area.[3] Bay does not expect that the position of the three carriers on the monopole will change - Verizon will have its antenna centerline at 160 feet, Sprint will have its antenna centerline at 150 feet and AT&T Wireless PCS, LLC d/b/a AT&T Wireless will have its antenna

[2] Sprint Application, p. 4; Docket No. 251 Findings of Fact No. 21; Docket No. 314 Findings of Fact No. 24, 27 and 28.
[3] D&M Approval in Docket No. 251, p. 1; D&M Approval in Docket No. 314, p. 1

centerline at 140 feet.[4] In addition, at the top of the monopole will be a 7-foot high lightening rod.[5]

The construction of this Facility has been delayed due to a number of unforeseen issues that arose during construction of the access road. As discussed in the application for re-certification under Docket No. 314, unanticipated problems concerning the access road previously delayed construction. Since the Council approved Docket No. 314, construction of the Facility has once again been delayed due to design problems with the access road.

Mr. Miano's planned residential subdivision for the Property, which resulted in some of the delay in Bay's construction of the Facility, required an increase in the width of the Spruce Brook Bridge crossing. This increased width required a modification of the Bridge design and additional materials; both of which postponed construction of the access road. The delay of construction of the Spruce Brook Bridge crossing also postponed the construction of the telecommunications tower because the Bridge provides access to the Tower site.

Specifically, the additional sheet piles necessary for construction of the Bridge were difficult to obtain because Connecticut's inventory of sheet piles is very limited. Site construction was further delayed due to the time it took Bay and URS (the site engineer and surveyor) to gain a consensus with the Town of New Hartford and Mr. Miano regarding the Bridge design modifications.

The original construction schedule was not viable due to the changes in the site plans and the delayed delivery of the necessary supplies needed to commence construction. Once the

[4] Id.
[5] Id.

modified site plan was finalized and the new materials arrived, the construction team faced an additional two months in delays due to inclement weather conditions.

As of the submission of this Application, Bridge construction has commenced and the Tower site has been cleared. Bay is prepared to immediately resume construction of the Facility upon Council approval of this re-certification Application.

Kenneth Kemp is the environmental inspector for this project and his qualifications are attached under Tab 12. John Brogden is the Licensed Environment Professional for this project and his qualifications are attached under Tab 13. Upon approval of this Application for re-certification, Bay will provide the Council with a detailed D&M plan.

B. Need, Benefit, Alternate Technologies, Environmental Impact and Safety

In Docket No. 251, the Council granted Sprint a Certificate of Environmental Compatibility and Public Need based upon the evidence presented by Sprint in its application, in subsequent filings, and through testimony at the Public Hearing, all of which have been incorporated herein by reference. In its Decision and Order for Docket No. 251, the Council found that "the effects associated with the construction, operation, and maintenance of a telecommunications facility including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny the application" (Tab 1, Decision & Order, p.1).

In the first re-certification application, Docket No. 314, the Council granted Bay a Certificate of Environmental Compatibility and Public Need based upon evidence presented by Sprint in Docket No. 251, incorporated by reference into Docket No. 314 and based upon the information presented on the modified access road. In its Decision and Order for Docket No. 314, the Council found that "the effects associated with the construction, operation, and maintenance of a telecommunications facility, including effects of the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny the application...." (Tab 4, Decision & Order, p. 1).

A wetlands field inspection was conducted by Vanasse Hangen Brustlin, Inc. ("VHB") on February 8, 2009 in order to observe current conditions at the Facility. VHB found that wetland conditions have only slightly changed since VHB's 2006 inspection. Such changes are attributed to the development activities of the adjacent residential subdivision and Bay's initial construction activities. The erosion and sedimentation controls were found to be properly installed and in good condition. Erosion and sedimentation controls contained the entire construction area, including the access road, the Bridge and the Tower. Spruce Brook was observed as free flowing and clear on the day of inspection.

As a result of the Garret Ridge Court subdivision, an area of wetland impact was observed just north of Spruce Brook Bridge crossing. A sedimentation plume was traced to the Garret Ridge Court subdivision through the reinforced concrete pipe which travels under the access road to the south of a detention basin that treats stormwater generated by Garret Ridge

Court. The detention basin was observed to contain an excessive amount of sediment, providing evidence that this was the source of the sediment plume entering the wetlands from the reinforced concrete pipe outfall. Several layers of erosion control barriers were noted as an apparent measure to contain the sedimentation release. VHB concluded, based on field observation, that Bay's construction activities did not contribute to the release of sediment to the Spruce Brook wetland system.

One area of potential concern is the section of the access road located between the Garret Ridge Court cul-de-sac and the Spruce Brook Bridge crossing. Minor rill erosion was observed on the road draining down towards Spruce Brook and minor sedimentation was observed along the northeast side of the Bridge's eastern approach section. The minor sedimentation was not observed migrating along the Bridge's north retaining wall, towards Spruce Brook. Erosion control barriers, including a silt fence and hay bale, were observed in good condition along the west abutment of the Bridge. Such erosion barriers will provide a barrier to Spruce Brook if the sediment migrated closer to Spruce Brook, in the future. Although the situation was stable and did not provide an immediate threat to Spruce Brook corrective actions were taken to avoid any possible future impact.

Erosion control corrective actions were delayed until mid-March due to weather conditions that did not permit URS to make the necessary repairs. URS met with McPhee Electric Limited (the general contractor) on March 13th, 2009 and properly corrected the erosion control issues. At no time was it reported that Spruce Brook or the adjoining wetlands were impacted by a release of sediment. URS will continue to closely monitor construction activities in order to protect the Spruce Brook wetland corridor.

Since the Council already considered the evidence presented by Sprint in Docket No. 251 and the evidence presented by Bay in Docket No. 314 on the benefit of this Facility, the need for this Facility, the possibility of using alternate technologies, any alternative sites in the immediate area, the amount of coverage provided by the Facility, the environmental impact of the Facility, as well as the previously modified access road at this facility, Bay will not restate that evidence in this Application for re-certification. The Council already considered all of the aforementioned evidence, balanced it against the need for a telecommunications facility at this site and determined that its effects on the environment when compared to need were not sufficient to deny the application. The Council must now determine if the modifications made to the Spruce Brook Bridge crossing, the access road and the grading since the D&M plan for Docket No. 314 was approved have altered its previous decision.

C. Spruce Brook Bridge Modifications

Since the D&M approval under Docket No. 314 the Spruce Brook Bridge crossing has been modified. The previous (Council approved) Bridge was 15 feet wide and the modified Bridge design is 18 feet wide with one foot walls on each side. The Bridge was modified to comply with the Town of New Hartford's revised road requirements and to accommodate a potential residential sub-division on the eastern side of Spruce Brook Bridge crossing. Due to the increased width of the Bridge, the modification also includes revised plans for the base of the Bridge. The site plan, included under Tab 14, depicts the modified Spruce Brook Bridge in detail.

As discussed in detail above in Section B, VHB's field observations concluded that erosion and sedimentation control issues, including possible impacts on Spruce Brook and the

wetlands corridor, due to the modified Bridge have been addressed. Bay does not anticipate that the modified Spruce Brook Bridge crossing will have any additional impact on water resources, wildlife, air quality or noise pollution.

D. Access Road Modifications

The access road has been modified since the D&M approval under Docket No. 314. The access road alignment has been slightly altered along the east portion of the Spruce Brook crossing in order to decrease the amount of impact on the wetlands buffer. The site plan, under Tab 14, reflects the modified alignment of the access road.

As discussed in detail above in Section B, VHB's field observations concluded that erosion and sedimentation control issues, including possible impacts on Spruce Brook and the wetlands corridor, due to the altered alignment of the access road have been addressed. Bay does not anticipate that the modified alignment of the access road will have any additional impact on water resources, wildlife, air quality or noise pollution.

E. Grade Modifications

The proposed grade east of the Spruce Brook crossing has been reduced since the D&M approval under Docket No. 314. The proposed grade is 8%, which is a 4% reduction from the 12% grade the Council previously approved. This modification, due to changed site conditions, benefits the environment in and around the area of the site since the amount of grading has been reduced. The updated site plan, included under Tab 14, indicates the location of the reduced grading with bubbling.

F. Balloon Float & Sign Display

If the Council deems it necessary, Bay will raise a balloon at the Facility with a diameter of at least 3 feet on the day of the Council's first hearing session on this re-certification Application (weather permitting) or at a time otherwise specified by the Council. In addition, Bay will post a sign on the subject property at least ten days prior to the public hearing. The sign will be at least 6 feet by 4 feet and will have the applicant's name, type of facility, height, public hearing date and contact information for the Council.

CONCLUSION

As can be seen by the evidence presented herein, Bay's use of the modified Spruce Brook Bridge crossing, the slight realignment of the access road and the reduction in grade will not have a substantial adverse environmental impact. Therefore, Bay respectfully requests that the Council re-issue the Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of the 150-foot[6] monopole and associated equipment on Southeast Road in New Hartford, Connecticut.

Bay Communications, LLC

By: Thomas J. Regan
Thomas J. Regan

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[6] Although the monopole will be built at 160 feet due to the approval of Verizon's Petition, the underlying Certificate for which Bay is re-applying is for 150 feet.

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@po.state.ct.us
Web Site: www.state.ct.us/csc/index.htm

November 25, 2003

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
185 Asylum Street, CityPlace I
Hartford, CT 06103-3402

RE: **DOCKET NO. 251** - Sprint Spectrum, L.P. d/b/a Sprint PCS application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Attorney Regan:

By its Decision and Order dated November 20, 2003, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at at 170 Southeast Road, New Hartford, Connecticut, to Sprint Spectrum.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

S. Derek Phelps
Executive Director

SDP/laf

Enclosures (4)

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
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Web Site: www.state.ct.us/csc/index.htm

CERTIFICATE

OF

ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

DOCKET NO. 251

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Sprint Spectrum, L.P. d/b/a Sprint PCS for the construction, maintenance and operation of a wireless telecommunications facility located at 170 Southeast Road, New Hartford, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on November 20, 2003.

By order of the Council,

Pamela B. Katz, P.E., Chairman

November 20, 2003

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in Docket No. 251 – Sprint Spectrum, L.P. d/b/a Sprint PCS application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut, and voted as follows to approve the proposed facility:

Council Members	Vote Cast
Pamela B. Katz, P.E., Chairman	Yes
Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Yes
Commissioner Arthur J. Rocque, Jr. Designee: Brian J. Emerick	Yes
Philip T. Ashton	Yes
James J. Murphy, Jr.	Absent
Daniel P. Lynch, Jr.	Abstain
Brian O'Neill	No
Colin C. Tait	Yes
Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, November 20, 2003.

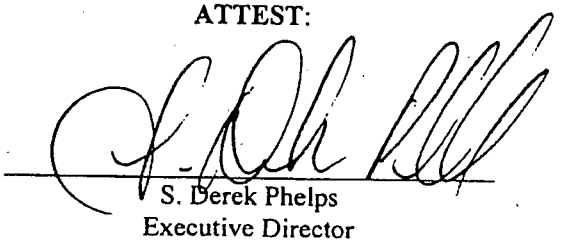
STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

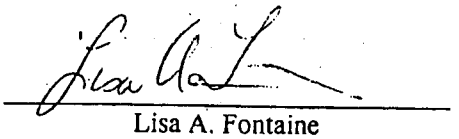
ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 251 has been forwarded by Certified First Class Return Receipt Requested mail on November 25, 2003, to all parties and intervenors of record as listed on the attached service list, dated September 9, 2003.

ATTEST:



Lisa A. Fontaine
Administrative Assistant
Connecticut Siting Council

Date: September 9, 2003

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Sprint Spectrum, L.P. d/b/a Sprint PCS	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP CityPlace I, 38th Floor 185 Asylum Street Hartford, CT 06103-3402 (860) 509-6522 (860) 509-6501 - fax tregan@brbilaw.com
Intervenor	AT&T Wireless PCS, LLC d/b/a AT&T Wireless	Christopher B. Fisher, Esq. Cuddy & Feder LLP 90 Maple Avenue White Plains, New York 10601 (914) 761-1300
Intervenor	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Web Site: www.state.ct.us/csc/index.htm

November 25, 2003

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 251** - Sprint Spectrum, L.P. d/b/a Sprint PCS application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

By its Decision and Order dated November 20, 2003, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility located at 170 Southeast Road, New Hartford, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/laf

Enclosures (3)

c: State Documents Librarian
Council Members

DOCKET NO. 251 - Sprint Spectrum, L.P. d/b/a Sprint PCS application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.	}	Connecticut Siting Council November 18, 2003

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Sprint Spectrum L. P. (Sprint) for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services and sufficient to accommodate the antennas of Sprint, AT&T and other entities, both public and private, but such tower shall not exceed a height of 150 feet above ground level. The facility shall be accessed using the alternate road design.

2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be submitted to and approved by the Council prior to the commencement of facility construction and shall include:
   a) a detailed site development plan that depicts the location of the access road, compound, tower, utility line, erosion and sedimentation control features, and landscaping;
   b) specifications for the tower, tower foundation, antennas, equipment building, and security fence; and
   c) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of electromagnetic radio frequency power density is submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.

5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing. The Certificate Holder shall provide space on the tower for no compensation for any municipal antennas, provided such antennas are compatible with the structural integrity of the tower.

6. If the facility does not initially provide wireless services within one year of completion of construction or ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.

7. Any antenna that becomes obsolete and ceases to function shall be removed within 60 days after such antennas become obsolete and cease to function.

8. Unless otherwise approved by the Council, this Decision and Order shall be void if the facility authorized herein is not operational within one year of the effective date of this Decision and Order or within one year after all appeals to this Decision and Order have been resolved.

Pursuant to General Statutes § 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the The Hartford Courant and the Norwich Bulletin.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant
Sprint Spectrum, L.P.
d/b/a Sprint PCS

Representative
Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
CityPlace I, 38th Floor
185 Asylum Street
Hartford, CT 06103-3402

Intervenor
Cellco Partnership
d/b/a Verizon Wireless

Representative
Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

Intervenor
AT&T Wireless PCS, LLC
d/b/a AT&T Wireless

Representative
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
90 Maple Avenue
White Plains, New York 10601

DOCKET NO. 251 - Sprint Spectrum, L.P. d/b/a Sprint PCS application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.	}	Connecticut Siting Council November 14, 2003

Opinion

On April 16, 2003, Sprint Spectrum L. P. (Sprint) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, operate, and maintain a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut. The primary purpose of the proposed facility is to provide wireless telecommunications service to Route 202 in New Hartford.

The public need for wireless telephone facilities has been determined both by the Federal Communications Commission (FCC) and the Federal Telecommunications Act of 1996 which has declared a general public need for wireless service, established a market structure for system development, and developed technical standards that have restricted the design of facilities. These pre-emptive determinations by the FCC have resulted in a system of numerous wireless telecommunications facilities in nearly all areas of the country. Connecticut State law directs the Council to balance the need for development of proposed cellular telecommunications facilities with the need to protect the environment, including public health and safety.

The proposed tower site is located on a 64-acre undeveloped heavily wooded parcel owned by Paul Miano. Spruce Brook, a tributary of the Nepaug Reservoir, a public drinking water supply, traverses the central portion of the parcel in a south to north direction. The tower site is in the eastern portion of the property, approximately 150 feet from the nearest property boundary. Although the tower site does not meet the Town's property line setback requirement of 225 feet, the Council believes the tower site is appropriate since the abutting property is undeveloped watershed land owned by the Metropolitan District Commission.

A 150-foot monopole tower and an associated equipment compound would be constructed at the site. Access to the site would be from a gravel drive emanating from Southeast Road. Utilities would be installed above ground along the access road. The original design of the access road extended 2,650 feet through wooded areas and crossed Spruce Brook using a culvert, impacting 2,832 feet of associated wetlands. Sprint presented an alternate road design after the Council expressed concern that the original road design would have detrimental impacts to Spruce Brook and associated wetlands and did not take advantage of the existing network of woods roads on the property. The alternate road design, 2,865 feet in length, follows more of the of existing woods roads on the property and crosses Spruce Brook on a bridge, impacting approximately 126 square feet of wetlands. Although alternate access road is slightly longer than the original configuration, the amount of trees requiring removal was reduced from 133 to 74. Due to the reduced impact on wetlands and the channel of Spruce Brook, and the reduced amount of clearing, the Council finds the alternate road design preferable.

The greatest visual impact of the proposed facility would be limited to 0.25 miles of Southeast Road, approximately 0.5 miles west of the site. Two homes and privately preserved open space are located in this vicinity. The tower would also be visible from three short sections of Route 202; a state designated scenic roadway approximately 0.25 miles north of the site.

The radio frequency power density levels at the base of the proposed tower would be well below federal and state standards. If federal or state standards change, the Council will require that the facility be brought into compliance with such standards. The Council will require that the power densities be remodeled in the event other carriers locate at this facility.

Based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of a telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, we will issue a Certificate for the construction, operation, and maintenance of a 150-foot monopole telecommunications facility, accessed by the alternate road design, at the proposed site.

DOCKET NO. 251 - Sprint Spectrum, L.P. d/b/a Sprint PCS application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.	}	Connecticut
	}	Siting
	}	Council
		November 20, 2003

Draft Findings of Fact

Introduction

1. Sprint Spectrum, L.P. d/b/a Sprint PCS (Sprint), in accordance with the provisions of General Statutes §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on April 16, 2003 for the construction, operation, and maintenance of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut. (Sprint 1, pp. 1-2)

2. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Admin. Notice, no. 7, Telecom Act 1996)

3. Sprint is licensed by the Federal Communications Commission (FCC) to provide wireless communication service in 32 major trading areas within the United States including Connecticut. Sprint seeks to provide wireless coverage to Route 202 in New Hartford which lies in Metropolitan Trading Area 1 (New York) and Basic Trading Area 318 (Litchfield). (Sprint 1, pp. 2-4)

4. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. (Council Admin. Notice, no. 7, Telecom. Act 1996)

5. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Admin. Notice, no. 7, Telecom. Act 1996)

6. The party in this proceeding is the applicant. The intervenors in this proceeding are AT&T Wireless PCS, LLC d/b/a AT&T Wireless (AT&T) and Cellco Partnership d/b/a Verizon Wireless (Verizon), (Transcript 1- 7/16/03, 3:00 p.m. [Tr. 1], p. 5; Transcript 3- 10/23/03, 11:00 a.m. [Tr. 3], p. 4)

7. Verizon intervened in this proceeding to propose a modification to the facility proposed in the application. Verizon withdrew the modification request after concerns were raised regarding notice requirements. Verizon intends to pursue the modification by filing a petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) would be required for the proposed modifications contingent upon the Council granting a Certificate to Sprint for the proposed facility. (Tr. 3, pp. 26-31)

8. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on July 16, 2003, beginning at 3:15 p.m. and continuing at 7:00 p.m. at the New Hartford Town Hall, 530 Main Street, New Hartford, Connecticut and on September 23, 2003, beginning at 11:00 a.m., at the office of the Council, 10 Franklin Square, New Britain, Connecticut. (Council's Hearing Notices dated May 12 and August 13, 2003; Tr. 1, p. 2; Transcript 2- 7/16/03, 7:00 p.m. [Tr. 2], p. 3; Tr. 3, p. 3)

9. The Council performed an inspection of the proposed site on July 16, 2003, beginning at 2:00 p.m. During the field inspection, the applicant flew a balloon at the proposed tower site to simulate the height of the tower. (Council's Hearing Notice dated May 12, 2003)

10. Sprint submitted a technical report to the New Hartford First Selectman, William Baxter, and the New Hartford Town Planner, Thomas McGowen, on January 15, 2003. The Town did not provide written comment regarding the proposal. (Sprint 1, p. 6)

11. The First Selectman made a limited appearance statement at the July 16, 2003 proceeding requesting that the Council consider town regulations regarding site selection of telecommunication facilities in the Town. (Tr. 1, p. 7)

12. Notice of the application was provided to all abutting property owners by certified mail. Public notice of the application was published in The Winsted Journal and The Register Citizen on April 4 and April 11, 2003. (Sprint 1, p. 3, AT&T 3, Q. 1)

13. Pursuant to General Statutes § 16-50j (h), on May 12 and September 25, 2003, the following state agencies were solicited to submit written comments regarding the proposed facility; Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)

14. Written comments were received from the DOT's Office of Environmental Planning on October 7, 2003 and the DEP on July 15, 2003. (Record)

15. The following agencies did not comment on the application: DPH, CEQ, DPUC, OPM, and the DECD. (Record)

Site Selection

16. Prior to selecting the proposed site, Sprint considered 13 other sites to provide coverage to the Route 202 corridor between existing Sprint facilities in New Hartford and Canton. The sites consisted of electric transmission structures, farm silos, a private radio tower and a church steeple. All of the sites were rejected due to inadequate coverage to the target service area. (Sprint 1, p. 8; Sprint 3, Q. 13, Q. 14)

17. The search ring consists of an oval area, 0.5 miles at its widest, located south of Route 202 and north of an area of high elevation know as Garret Mountain. Two property owners are located within the search ring, Paul Miano and the Metropolitan District Commission (MDC). (Sprint 1, p. 3; Sprint 7, Q. 18)

18. The proposed tower site is located in the northeast portion of the 64-acre Miano property. The site is located east of Spruce Brook, a tributary of the Nepaug River that drains into the Nepaug Reservoir, a public water supply reservoir. The site is within the search ring established for the target service area. Areas of the Miano property west of Spruce Brook are not within the search ring and would not meet coverage objectives on Route 202. (Sprint 1, p. 4; Sprint 7, Q. 18; Tr. 1, pp. 23-25, 32-36)

19. The MDC would not consider the placement of a telecommunications tower on their watershed property. (Sprint 6; Tr. 2, pp. 13-14)

20. Town regulations present a ranked system of three siting classes based on property ownership and distance to adjacent residences and schools with option one being most preferred, as follows:

    Class 1 — locations within municipal or state property no closer than 1,500 feet from residences or schools.

    Class 2 — locations within municipal or state property no closer than 1,500 feet from residences or schools.

    Class 3 — locations within municipal or privately owned land a minimum distance of 750 feet from residences or schools.

    The selected site is located in a Class 3 area. Class 1 or Class 2 siting options are not within the search ring. (Sprint 2, a; Sprint 7, Q. 18; Tr. 2, pp. 11-12)

Site Description

21. The Miano property is an undeveloped, heavily wooded 64-acre parcel traversed by woods roads and trails. The property owner may develop a residential subdivision on the parcel in the future. The immediate area surrounding the site consists of rolling hills ranging in elevation of 500 feet above mean sea level (amsl) to 1,000 feet amsl. Forest cover in the area consists of mixed deciduous hardwoods with an average height of 75 feet. (Sprint 1, p. 9, Attachment 5; Tr. 1, p. 15)

22. Sprint proposes to develop a 150-foot monopole designed to support three antenna platforms, on a 100-foot by 100-foot lease area at the proposed site. The tower would be constructed of galvanized steel that would weather to a non-reflective gray finish. (Sprint 1, pp. 10, 16)

23. Sprint would install twelve five-foot panel antennas at a centerline height of 150 feet above ground level (agl). AT&T would install six panel antennas at a centerline height of 140 feet. A GPS antenna would be mounted at a height of 75 feet agl. (Sprint 1, Attachment 5; AT&T 1, Q. 3)

24. A 40-foot by 40-foot compound, enclosed by a six-foot high chain link fence topped with barbed wire, would be constructed at the base of the tower. Sprint and AT&T would install equipment cabinets within the compound. (Sprint 12, Attachment 5; AT&T 1, Q. 6)

25. Access to the site would be from a 12-foot wide, 2,650-foot long gravel road of new construction extending from Southeast Road. The proposed road would follow an existing woods road for approximately 188 feet. Above ground utilities would be installed from an existing utility pole on Southeast Road. The utility line would require the installation of 22 utility poles along the access road. An underground route could impact wetlands and wetland buffer zones, and would be problematic in crossing Spruce Brook. (Sprint 1, p. 10; Attachment 5; Sprint 3, Q. 5; Tr. 2, p. 87)

26. Development of the site would require the removal of approximately 133 trees with a diameter six inches or greater at breast height (dbh) and would require approximately 220 cubic yards of cut and fill. Four trees scheduled for removal are within the compound area. Dominant trees in the development area include eastern hemlock, white pine, and red and black oak. (Sprint 3, Q. 9; Tr. 1, p. 12; Tr. 3, pp. 9, 13-14)

27. The proposed road would cross Spruce Brook and an associated riparian wetland, impacting approximately 2,832 square feet of wetlands. The proposed crossing is located at the narrowest point of uplands on the Spruce Brook corridor. Areas to the north and south of the crossing contain wider areas of wetlands. (Sprint 3, Q. 6; Tr. 1, pp. 12, 84-85)

28. Two forested groundwater seep wetlands not associated with Spruce Brook, Wetland 2 and Wetland 3, are located in the western portion of the parcel in close proximity to the proposed road. The proposed road is 80 feet from Wetland 2 and 40 feet from Wetland 3. The road extends through a town designated 50-foot wetland buffer zone associated with Wetland 3 for a distance of 70 feet. (Sprint 1, pp. 15, 18, Attachment 5, Attachment 8; Sprint 2, b)

29. The Spruce Brook crossing would consist of a 48-inch diameter, 40-foot long culvert placed in the brook channel. (Sprint 3, Q. 6; Tr. 1, pp. 17-21)

30. The design of the access road may result in the following adverse effects to the habitat and resources of Spruce Brook;
    a) Cause a permanent alteration of instream habitat;
    b) Create a barrier to fish migration;
    c) Cause a decrease in stream productivity; and
    d) Eradicate riparian habitat.

    (DEP letter dated July 15, 2003)

31. The DEP recommends installing a bridge or an arch culvert to reduce impacts to Spruce Brook. The DEP further recommends that the support elements for such a structure be located landward of the stream channel to eliminate in stream work and channel modification, and to maintain all or a portion of the riparian floodplain. (DEP letter dated July 15, 2003)

32. The MDC's primary concern regarding the proposal is the implementation and maintenance of proper erosion and sedimentation controls. The MDC would monitor construction activities during routine watershed inspections and would notify Sprint of any effects caused by construction. (MDC letter dated May 5, 2003)

33. Sprint would install proper soil and erosion control measures prior to construction. (Tr. 1, p. 91)

34. To address concerns raised by the DEP and Council, Sprint submitted an alternate road design on August 22, 2003 that follows more of the existing trail system and uses a bridge to cross Spruce Brook. The alternate access road is 2,865 feet in length and follows existing trails for approximately 2,400 feet. The alternate access road would require the removal of 74 trees six-inches or greater dbh and would require 180 yards of cut and fill. Spruce Brook would be crossed using a 30-foot open bottom bridge with bridge footings installed approximately 12 feet from the edge of the brook. The bridge design will not impact the bottom channel of the brook. Approximately 126 square feet of wetlands adjacent to Spruce brook would be impacted. (DEP comments dated July 15, 2003; Sprint 7, Attachment 1; Tr. 3, pp. 9-11, 14)

35. The alternate access road is within 25 feet of Wetland 2 and extends through the wetland buffer zone for 180 feet. The alternate road is within 12 feet of Wetland 3 and extends 350 feet through the wetland buffer zone. (Sprint 7, Attachment 1)

36. The nearest abutting property, owned by the MDC, is 150 feet to the north. Town regulations require a property line setback of 226 feet at this location (total tower height plus 50%). The nearest residence is approximately 1,753 feet southwest of the site. Town regulations require a minimum setback of 500 feet. (Sprint 2, a; Sprint 7, Attachment 1)

37. The estimated cost of construction for the proposed site is $503,000. The estimated construction cost utilizing the alternate access road and arch bridge is $551,000. (Tr. 3, p. 10)

38. The proposed facility would have no effect upon historic or archaeological resources. (Sprint 1, p. 20, Attachment 18; Sprint 7, Q. 17)

39. Bald eagles *(Haliaeetus leucocephalus)*, a federally threatened and state endangered species, occur in the site area, specifically using the shoreline of the Nepaug Reservoir as habitat. The nearest shoreline is approximately 1,900 feet east of the site. The proposed tower would have no effect on resident eagles. (Sprint 1, p. 20, Attachment 18)

40. Aircraft hazard obstruction marking or lighting of the proposed tower would not be required. A tower could be constructed to a height of 180 feet agl without further consultation with the Federal Aviation Administration. (Sprint 1, Attachment 17)

41. Route 202, a state designated scenic road, is approximately 0.25 miles north of the site. (Sprint 7, Attachment 2)

42. The Tunxis Trail, a public hiking trail maintained by the Connecticut Forest and Park Association (CFPA), is approximately 230 feet east of the tower site. (Tr. 1, pp. 71-72)

43. The conservative worst-case approximation of electromagnetic radiofrequency emissions from AT&T and Sprint antennas at the proposed site would be 10.7% of the Maximum Permissible Exposure limit established by the Federal Communications Commission. (Sprint 1, Attachment 16; Council Admin. Notice no. 2)

44. Sprint would allow lease free use of the tower for any local authority or emergency response system provided such installation is consistent with the structural integrity of the tower. (Sprint 1, p. 5)

Visibility

45. Anticipated visibility of the proposed tower is depicted on Figure 1. (Sprint 7, Attachment 2)

46. The proposed tower would be visible year-round from 0.25 miles of Southeast Road, approximately 0.5 miles west of the site. Two residences are located in this area. (Sprint 1, Attachment 15; Tr. 1, p. 67)

47. The proposed tower would be visible year-round from Route 202 from three separate locations ranging in length from 0.1 miles to 0.3 miles. (Sprint 7, Attachment 2; Tr. 1, pp. 67-68)

48. The proposed tower would be visible from Browns Corner Park, a Town park containing ballfields located approximately 0.7 miles north of the site. (Sprint 7, Attachment 2; Tr. 1, p. 68)

49. The proposed tower would not be visible from the Tunxis Trail or the Rome Spare Outlook, a prominent viewpoint on the Valley Outlook Trail, a trail maintained by the CFPA in the Nepaug State Forest. (Sprint 3, Q. 8; Tr. 1, pp. 71-75)

50. The proposed tower would not be visible from Indian Hills Drive, a residential street south of the site, or from County Lane and Freedom Drive, residential streets approximately two miles east of the site. The tower would also not be visible from the proposed Sweetheart Mountain subdivision, approximately two miles east of the site. (Sprint 1, Attachment 15, Sprint 8; Tr. 1, p. 69; Tr. 2, p. 7; Tr. 3, pp. 49-50)

51. The tower would be visible from open area of preserved open space along Southeast Road approximately 0.4 miles northwest of the site. The open space parcel is not open to the public. (Sprint 7, Q. 10, Attachment 2)

Sprint - Existing and Proposed Wireless Coverage

52. Sprint operates at a minimum signal level threshold of -94 dBm and in the 1900 MHz frequency band. Sprint has identified a 2.0-mile gap in coverage on Route 202 between existing Sprint facilities in New Hartford and Canton (refer to Figure 2). (Sprint 1, p. 12, Attachment 14)

53. Sprint is requesting a minimum antenna height of 150 feet agl. Installing antennas at 150 feet agl would provide coverage to 1.9 miles of the identified gap (refer to Figure 3). A 0.1-mile gap in coverage would occur where Route 202 crosses the northern extension of the Nepaug Reservoir on a causeway. A signal level of -96 dBm is expected in the gap area which could result in dropped calls during high cell traffic periods. Sprint would install a repeater in this area if a high percentage of calls were dropped in the gap area. (Sprint 1, Attachment 14; Tr. 1, pp. 53-59)

54. Installing antennas at 130 feet agl at the proposed site would further weaken the signal in the causeway area. A signal level of -99 dBm is expected in the gap area. (Sprint 7, Q. 12; Tr. 1, pp. 57 - 59)

AT&T - Existing and Proposed Wireless Coverage

55. AT&T' s service design operates at a minimum signal level threshold of -85 dBm. AT&T is licensed to operate in the 800 MHz and 1900 MHz frequency bands in Litchfield County and in the 1900 MHz frequency band in the remainder of the state. The proposed site is located in Litchfield County and is 1.3 miles west of the Town of Canton, located in Hartford County. (AT&T 1, Q. 2 Tr. 2, pp. 25-26)

56. AT&T plans to install 800 MHz and 1900 MHz equipment at this site. (Tr. 2, p. 23)

57. A 3.0 mile gap in coverage, defined as <-85 dBm at a frequency of 1900 MHz, exists on Route 202 between AT&T facilities east and west of the site (refer to Figure 4). (AT&T 1, Q. 1, Q. 4)

58. Installing 800/1900 MHz dual band antennas at 140 feet agl at the proposed site would provide continuous coverage on Route 202 between existing AT&T facilities east and west of the site (refer to Figure 5. (AT&T 1, Q. 3; Tr. 2, pp. 21-23)

59. Installing antennas at 120 feet agl would achieve coverage objectives. (Tr. 1, pp. 27-28)

FIGURE 1

VISIBILITY OF PROPOSED 150-FOOT TOWER

LEGEND

- Proposed Tower Location (includes area of visibility approximately 250 feet around facility)

Photopoint Locations - June 7, 2002

- Balloon not visible
- Balloon visible above trees

Anticipated seasonal visibility

Year-round visibility (approximately 79 acres)

- Scenic Roads (Local and/or State designated)
- Tunxis Trail (CT Blue Blaze)
- Tipping Rock Trail (Nepaug State Forest)
- Valley Outlook Trail (Nepaug Trail)

0 0.2 0.4 0.6 0.8 Miles

(Sprint 4)

FIGURE 2

SPRINT EXISTING COVERAGE

(Sprint 1, Attachment 14)

FIGURE 3

SPRINT EXISTING AND PROPOSED COVERAGE
WITH ANTENNAS AT 150 FEET

(Sprint 1, Attachment 14)

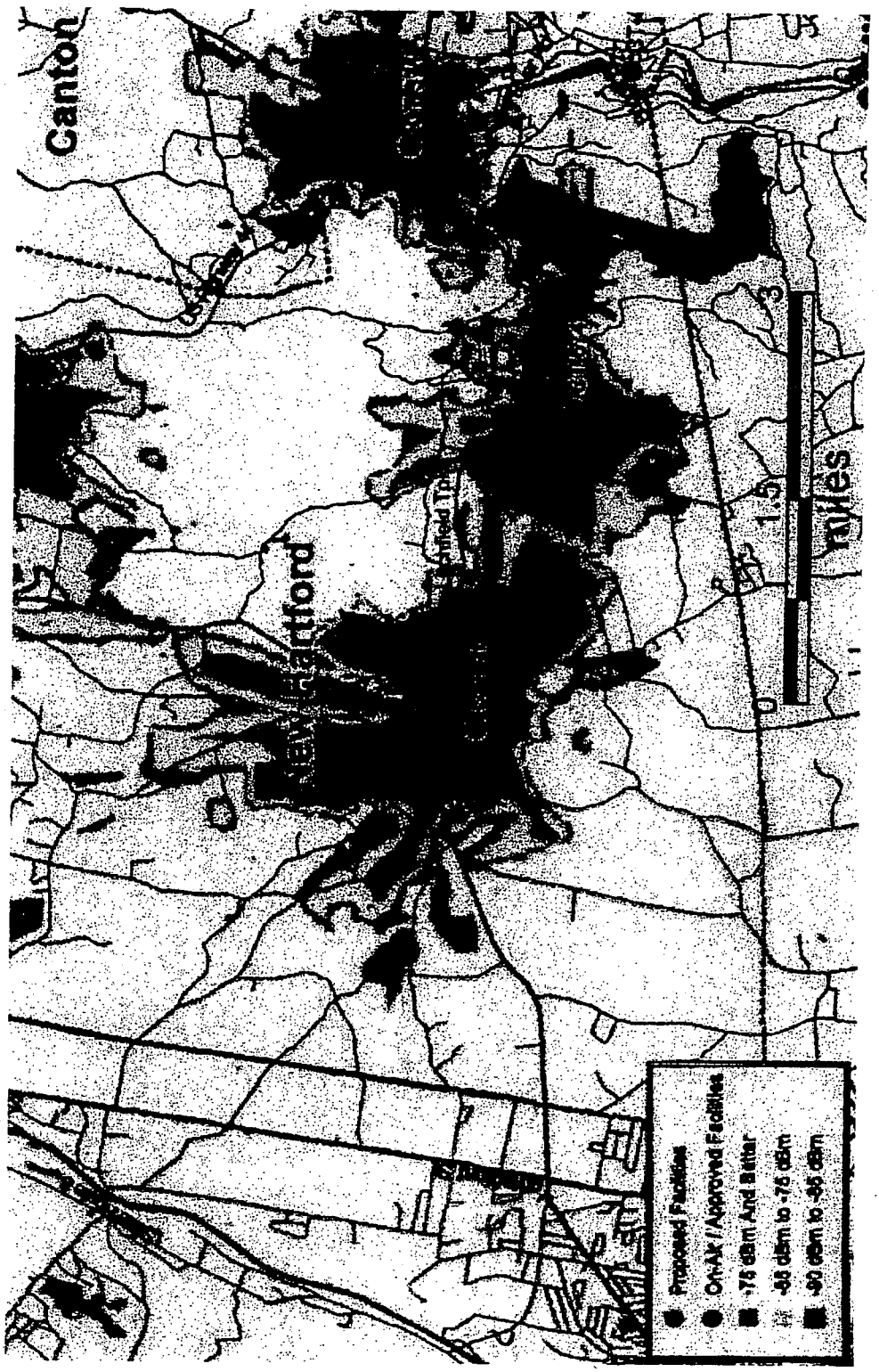
FIGURE 4

AT&T EXISTING COVERAGE

(AT&T 1, Q. 4)

FIGURE 5

AT&T EXISTING AND PROPOSED COVERAGE
WITH ANTENNAS AT 140 FEET



(AT&T 3, Q. 7)

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@po.state.ct.us
Web Site: www.ct.gov/csc

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 4, 2004

Kenneth C. Baldwin
Robinson & Cole
280 Trumbull Street
Hartford, CT 06103-3597

RE: **PETITION NO. 649** - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to extend the height of the proposed Sprint Spectrum L.P. tower at 170 Southeast Road, New Hartford, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on February 3, 2004, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition, dated October 1, 2003.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

Pamela B. Katz, P.E.
Chairman

PBK/laf

Enclosure: Staff Report dated February 3, 2004

c: Honorable William F. Baxter, First Selectman, Town of New Hartford
Karl Nilsen, Zoning Enforcement Officer, Town of New Hartford
Thomas J. Regan, Esq., Brown Rudnick Berlack Israels LLP

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Petition No. 649 - Project Summary
Cellco Partnership
New Hartford, Connecticut
February 3, 2004

Introduction

Cellco Partnership d/b/a as Verizon Wireless (Cellco) seeks to extend the height of a Sprint owned 150-foot monopole to be constructed at 170 Southeast Road, New Hartford, Connecticut. The tower, not yet constructed, was approved by the Council on November 18, 2003 under Docket 251. Cellco was an intervenor in this proceeding and presented the tower extension proposal at the September 23, 2003 hearing. At the direction of the Council, Cellco resubmitted the proposal as a petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the tower extension.

Proposed Modification

Cellco seeks to extend the height of the approved tower to 160 feet. Cellco would install 12 panel antennas on a platform at a centerline height of 160 feet. Cellco would install a 12-foot by 30-foot equipment shelter within the approved compound. Additional site clearing would not be required.

Visibility Impact

Extending the tower to 160 feet would marginally increase visibility on Route 202, a state designated scenic roadway approximately a quarter-mile from the site. Visibility on Southeast Road, approximately a half-mile west of the site, would increase by a tenth of a mile. The extended tower would be visible from a residentially developed section of Stedman Road, approximately 1.1 miles north of the site. Views from residentially developed properties would increase from six to nine with one additional property on Southeast Road and two properties on Stedman Road. The extended tower would be seasonally visible from the Rome Spare overlook, a prominent viewpoint approximately 1.3 miles north of the site in the Nepaug State Forest. An increase in seasonal and year-round views would occur from Browns Corner Park, a Town park with ballfields approximately 0.7 miles from the site.

Power Density

The conservative worst-case approximation of electromagnetic radiofrequency emissions for telecommunications operations at the site would increase from 10.7% to 12.8% of the applicable standard for uncontrolled environments.

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:	:	
	:	
A PETITION BY CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR DECLARATORY RULING THAT THE 10-FOOT EXTENSION OF THE PROPOSED SPRINT TOWER AT 170 SOUTHEAST ROAD, NEW HARTFORD, CONNECTICUT WILL NOT HAVE A SIGNIFICANT ADVERSE ENVIRONMENT EFFECT AND WILL NOT REQUIRE THE ISSUANCE OF A SITING COUNCIL CERTIFICATE	:	PETITION NO. 649
	:	OCTOBER 1, 2003

PETITION FOR DECLARATORY RULING
INSTALLATION HAVING NO
SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT

I. Introduction

Pursuant to Sections 16-50j-38 and 16-50j-39 of the Regulations of Connecticut State Agencies ("R.C.S.A."), Cellco Partnership d/b/a Verizon Wireless ("Cellco") hereby petitions the Connecticut Siting Council (the "Council") for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need ("Certificate") is required under Section 16-50k(a) of the Connecticut General Statutes ("C.G.S.") to extend the height of the proposed Sprint Spectrum L.P. ("Sprint") tower at 170 Southeast Road in New Hartford, Connecticut (Docket No. 251) by ten (10) feet from 150 feet to 160 feet, to accommodate Cellco's Personal Communications System ("PCS") coverage needs in New Hartford.

II. Background

On or about April 16, 2003, Sprint Spectrum, L.P. d/b/a Sprint PCS ("Sprint") filed an

Application with the Council for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut (the "Application"). The Council assigned the Application Docket No. 251. The Application called for the development of a 150-foot telecommunications tower and associated equipment located in a 100' x 100' leased site compound. Sprint antennas would be located at the 150-foot level on the tower. AT&T Wireless ("AT&T") intervened in Docket No. 251 and intends to install antennas at the 140-foot level on the tower. The Council held a hearing on the Application on July 16, 2003, and continued the hearing to September 23, 2003.

On September 9, 2003, Cellco was granted intervenor status in the Docket No. 251 application and requested that it be allowed to share the proposed tower. Due to its unique and specific coverage needs, however, Cellco requested that the Council extend the overall height of the tower from 150 feet as proposed by Sprint to 160 feet. During the Council's September 23, 2003 hearing, witnesses for Cellco presented evidence and testimony justifying the need for a 160-foot antenna height on the proposed Sprint tower and supporting the conclusion that the proposed 10-foot extension would not have a significant adverse visual effect on the surrounding area. Copies of the appropriate portions of the September 25, 2003 hearing transcript are included as Attachment A. Cellco exhibits submitted to the Council in Docket No. 251 are attached to this petition as Attachment B.

III. Notice to Interested Parties

Copies of Cellco's Petition is being sent to William Baxter, First Selectman, Town of New Hartford and Caren Ross, Chair of the New Hartford Open Space Commission.

Mr. Baxter appeared at the Council's July 16, 2003 hearing on Docket No. 251. Mr.

Baxter's principal concern related to the recent adoption by the Town of New Hartford Planning and Zoning Commission of telecommunications facilities regulations and asked the Council to consider those regulations in its deliberations.

By letter dated July 7, 2003, Caren Ross, Chair of the New Hartford Open Space Commission wrote in opposition to the proposed Sprint tower expressing concerns for the tower's visibility from the scenic state road, Route 202 and surrounding areas.

The purpose of this specific notice to Mr. Baxter and Ms. Ross is to solicit additional comments, questions and/or concerns with the proposal of Cellco to extend the height of the proposed Sprint tower from 150 feet to 160 feet. As of the date of this notice, and consistent with R.C.S.A. Sections 16-50j-38 through 16-50j-40, the Council has not yet determined whether a hearing on the proposed extension will be required. Any additional concerns, comments or questions should be sent directly to the Council on or before October 31, 2003.

IV. Discussion

A. The Proposed Tower Extension Will Not Have A Substantial Adverse Environmental Effect

The Public Utility Environmental Standards Act (the "Act"), C.G.S. § 16-50g et seq., provides for the orderly and environmentally compatible development of telecommunications towers in the state to avoid "a significant impact on the environment and ecology of the State of Connecticut." C.G.S. § 16-50g. To achieve these goals, the Act established the Council, and requires a Certificate of Environmental Compatibility and Public Need for the construction of cellular telecommunication towers "that may, as determined by the council, have a substantial adverse environmental effect". C.G.S. § 16-50k(a).

Cellco respectfully submits that the proposed 10-foot extension of the proposed tower

will have little or no additional environmental effect. During the Docket No. 251 proceeding, the Council reviewed the overall environmental effect of a 150-foot tower. The unrefuted evidence in the Docket No. 251 record concludes that the environmental effect of the proposed tower is minimal. Any incremental effect that does occur by extending the tower to 160 feet certainly does not constitute a substantial adverse environmental effect that would necessitate the issuance of a Certificate pursuant to C.G.S. § 16-50k(a).

The proposed extension would not involve a significant alteration in the physical and environmental characteristics of the Property. The extension of the tower would not require any additional site clearing, and would not change vehicular or utility access to the cell site. Similarly, the extension of the proposed tower will not have a substantial visual impact on the surrounding area. (See Supplemental Visual Assessment prepared by VHB, Inc. included in Attachment B).

In sum, the effect of the proposed extension of the approved tower on the environment would be minimal and limited, rather than significant. This stands in contrast to typical proposals for new towers, that frequently must be located on properties with no other existing towers, or with no development at all. Thus, the proposed extension would not present a substantial adverse environmental effect, and is not a modification for which the General Assembly intended to require a Certificate under C.G.S. § 16-50k(a).

B. A Conclusion That the Proposed Tower Extension Will Not Have a Substantial Adverse Environmental Effect Would Be Consistent With Siting Council Precedent

The Council has previously determined, under similar circumstances that the extensions of an existing approved tower would have no substantial adverse or environmental effect, does not require a Certificate and is preferable to the construction of a new tower and related facility.

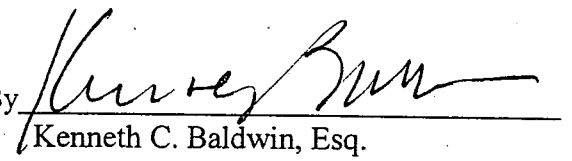
For example, in Petition No. 535, the Council approved AT&T's request for a 10-foot extension of an existing tower at 1455 Forbes Avenue in East Hartford. Similar minor extensions have been approved in other locations following a determination by the Council that such extensions are insignificant and preferred over the development of a new tower in the same area.

V. Conclusion

Based on the information provided above, Cellco respectfully requests that the Council issue a determination in the form of a declaratory ruling that the extension of the proposed Sprint tower in New Hartford will not have a substantial adverse environmental effect and does not require the issuance of a Certificate of Environmental Compatibility and Public Need pursuant to § 16-50k of the General Statutes.

Respectfully submitted,

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

By 

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2003, a copy of the foregoing was mailed, postage prepaid, to:

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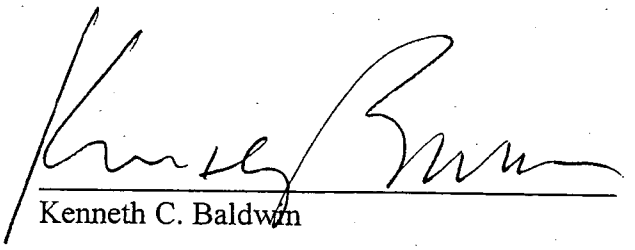


Kenneth C. Baldwin

offer that they be sworn at this time.

MR. MARCONI: Well, I would indicate, I think that Mike Libertine has been sworn already, though for another party, so I think his oath still applies in that sense. So, I would ask both the other witnesses to indicate their full name, spell their name for the court reporter, and give their address.

MR. DAVE CROTTY: Yes. Dave Crotty, C-r-o-t-t-y, 835 East Street, New Britain, Connecticut.

MS. SANDY CARTER: Sandy Carter, 19 Tanglewood Drive, Canton, Connecticut, 06019.

MR. MARCONI: Okay. Please -- please raise your right hand.

(Whereupon, Dave Crotty and Sandy Carter were duly sworn in.)

MR. MARCONI: Please be seated.

MR. BALDWIN: Madam Chair, if I could take a moment just to discuss some of the issues that were recently raised regarding our involvement in this case. Verizon Wireless, as you know from recent filings that I've made on behalf of Verizon Wireless, has recently acquired a PCS license to operate a PCS system in Litchfield County. It is commencing the build-out of that system as evidenced by a few dockets or a few

matters on the Council's agenda this afternoon and as evidenced by our interests in this tower site.

The first stage of that development involves basically extending out of Litchfield County -- extending out of Hartford County and New Haven County into Litchfield County along the fringes, which is why we became interested in Sprint's docket in New Hartford. At the time they originally filed this application, the deal for the PCS licenses for Verizon Wireless was not done. It was done shortly thereafter. And this site was not identified until very recently as a site that Verizon Wireless was interested in sharing.

The original focus of Verizon Wireless' efforts for this New Hartford site was, essentially, to grab the highest available height, which was 130 feet. And I should preface that this all happened in the last I think seven or eight days, so it's all been very recent.

After analyzing 130 feet and how that would interact with other sites, including the Docket 204 tower that the Council approved last year in Canton on Albany Turnpike -- and we've got a petition filed in that docket to raise that tower height to 120 feet -- along with what we call Collinsville 2, which is the Powder Mill Road site, an SBA tower, our RF engineers determined

that to best serve our customers in the area, particularly along Route 202, we needed to go to 160 feet on the proposed tower. So even though our original thrust was at 130 feet because that was the highest available, we decided to take the next step and ask the Council to entertain our request to go 10 feet higher.

In light of that position, we filed with the Council responses to interrogatories for 160 feet. We submitted some supplemental information which discussed what we thought to be an insignificant environmental effect associated with that additional 10 feet. We submitted through Mr. Libertine's office essentially an update of the visual impact assessment that Mr. Libertine did for Sprint, assessing the 160-foot tower height extension.

On the legal side, I understand and appreciate the Council's concern for the notice issue. I don't think there's a notice defect. I think the notice accurately reflects that which Sprint is proposing. Where you run into the problem is what Verizon Wireless is asking the Council to do.

I think an easy solution perhaps would be -- and I would -- I would request this today verbally, is if we can convert Verizon Wireless' intervention request

into a petition, a declaratory ruling from the Council. What I would recommend that we do in order to resolve some of the concerns for notice is that essentially separate the two matters at this point, allow Verizon Wireless to provide notice to stakeholders, the First Selectman of the town and anyone else who's expressed an interest in this docket. I have to say I've read the transcript from the previous hearing, there hasn't been, at least as I've seen, a significant amount of concern raised by the Town, but that doesn't mean we shouldn't provide them with an opportunity to be heard.

To the extent that the Town or anyone else has a concern for the additional 10 feet, we would ask that the Council hold a subsequent hearing to give those folks an opportunity to be heard. If there is no response to our request to the stakeholders, then we would ask that the Council proceed along the lines that it would normally proceed for a petition without a hearing, with the hope that in the same timeframe that the Council would decide this docket, it could decide this docket and Verizon Wireless's petition for a declaratory ruling.

I propose that as a way to, essentially, avoid arguably the sticky situation that we have thrust

upon the Council by asking for the additional 10 feet. I believe we have submitted enough information for the Council to assess the additional 10-foot extension. Nothing on the ground changes. The Verizon Wireless building is a building that would fit within the proposed compound. We would use, obviously, the same access road. We have nothing more to add with respect to the access road that Sprint has already included in their filing.

CHAIRMAN KATZ: Let me just be clear. So logistically, we would be closing the hearing on Docket 251 today, but we would be opening a hearing but not closing a hearing on a petition by Cellco Partnership?

MR. BALDWIN: Correct.

CHAIRMAN KATZ: Okay.

MR. BALDWIN: And if -- if there are any additional comments or requests by anyone to be heard on the additional 10-foot extension, we would come back before you, hear the additional testimony, respond to any additional interrogatories that the Council might have in that light and move forward with that petition. But along the same lines if we don't hear anything from anyone, then the Council, I think can simply close the petition.

MR. TAIT: Would you have any objection

for us deciding this docket first and holding yours open until after that's been done and then moving on your docket rather than trying to do it at the same time?

MR. BALDWIN: No, I'd have no objection to that.

MR. TAIT: It wouldn't cause you any problems? No?

MR. BALDWIN: No.

CHAIRMAN KATZ: Okay. Why don't we then -- why don't we proceed -- is there any questions on that issue before we proceed? Brian.

MR. EMERICK: I have a question -- not about the merits of the petition itself, but rather the new license and how it relates to the existing Verizon license. Verizon currently is a cellular provider in Hartford and New Haven County, but you indicated that now that you have a PCS, you're going to grow out from Hartford and New Haven County to Litchfield, but yet that's a PCS license. So we have a cellular license on one side and a PCS license on the other side. My understanding is that those two -- they're two different systems and they don't really, I guess, talk to one another, so it's -- I guess your description of growing it out from Hartford confuses me, where I would say it's

a beginning of your system in Litchfield as opposed to growing out from Hartford and New Haven, but -- help me understand.

MR. BALDWIN: I'll have Dave Crotty --

CHAIRMAN KATZ: Well -- yeah, why don't we do that -- first, why don't we verify the exhibits and then why don't we get into that because my -- I have a follow-up question, is my Verizon phone going to work in Litchfield on the PCS system. Okay, why don't we -- Mr. Baldwin, why don't we proceed with the exhibits.

MR. BALDWIN: I will, thank you, Madam Chair. We have two exhibits to offer today. First are the responses to the Council interrogatories dated September 19th. And I would also add that the September 19th submission -- after speaking with Bob Mercier of your staff, we have supplemented that submission with some additional plots at a correct scale. The scale of the prior exhibits was at a much larger scale --

CHAIRMAN KATZ: Well, our hearing program lists those as 1 and 2, so why don't we leave it that way.

MR. BALDWIN: That is -- that is still part of 1.

CHAIRMAN KATZ: Okay.

MR. BALDWIN: And we also filed supplemental information, which again included as an attachment the VHB visual impact assessment for the additional 10-foot height extension that's proposed.

CHAIRMAN KATZ: Okay.

MR. BALDWIN: And for the purpose of verifying those exhibits, I would ask our witnesses to respond accordingly. Did you prepare or assist in the preparation or supervise the preparation of the exhibits listed in the hearing program, items -- Roman IV, B-1 and 2?

MR. CROTTY: Dave Crotty. Yes.

MS. CARTER: Sandy Carter. Yes.

MR. LIBERTINE: Mike Libertine. Yes.

MR. BALDWIN: Do you have any corrections, additions, or modifications to those exhibits?

MR. CROTTY: Dave Crotty. No.

MS. CARTER: Sandy Carter. No.

MR. LIBERTINE: Mike Libertine. No.

MR. BALDWIN: And is the information provided in those exhibits true and accurate to the best of your knowledge?

MR. CROTTY: Dave Crotty. Yes.

MS. CARTER: Sandy Carter. Yes.

MR. LIBERTINE: Mike Libertine. Yes.

MR. BALDWIN: And do you adopt the information in those exhibits as your testimony today?

MR. CROTTY: Dave Crotty. Yes.

MS. CARTER: Sandy Carter. Yes.

MR. LIBERTINE: Mike Libertine. Yes.

MR. BALDWIN: Madam Chair, I would offer those exhibits as full exhibits in this proceeding.

CHAIRMAN KATZ: Any objection to making them full exhibits?

MR. REGAN: No, Madam Chairman.

CHAIRMAN KATZ: Hearing none, then we'll make them full exhibits.

(Whereupon, Intervenor Verizon Exhibit No. 1 and No. 2 were received into evidence as full exhibits.)

CHAIRMAN KATZ: So are we ready for cross-examination? Why don't we -- before we go to you, Mr. Mercier, why don't we start with Mr. Emerick's thought and go from there. Can you -- do you want the question repeated of how the PCS and the cellular is going to integrate?

MR. CROTTY: No, that's okay, I mean --

MR. BALDWIN: I think we're okay --

MR. CROTTY: -- yeah, we're okay on it. It's basically dependent on your phone. You have to have a tri-mode phone, analogue, 800-megahertz, and a PCS phone, it's got what they call a tri-mode phone. And as you're handing -- as you're traveling along say Route 202 in Canton, you'll be on the cellular frequencies and, you know, you'll have your phone call up, and as you keep going and hit the Litchfield border, basically it will hand over to the PCS frequency. It will be transparent to the customer, so --

CHAIRMAN KATZ: Most of the newer phones are the tri-mode?

MR. CROTTY: Yeah. That's all they're selling now is the tri-mode or all they're suppose to be selling is tri-mode.

CHAIRMAN KATZ: Alright --

MR. TAIT: What -- (indiscernible) --

(Multiple voices overlapping, indiscernible)

A VOICE: He's probably getting a deal on --

MR. TAIT: What's the third mode?

MR. CROTTY: Analogue, 800 digital, and PCS digital.

MR. PHILIP T. ASHTON: How long have they been selling those --

COURT REPORTER: A microphone please.

MR. ASHTON: Sorry. How long have they been selling that type of phone? Is that a relatively new --

MR. CROTTY: I would guess approximately a year, a year and a half.

MR. ASHTON: Okay. So if somebody has a phone that's older than a year and a year and a half, they may not work --

MR. CROTTY: Yeah. But there's incentives to trade it in and upgrade.

MR. ASHTON: Okay.

CHAIRMAN KATZ: Okay. Mr. Emerick, any more questions on that issue or should we go to Mr. Mercier?

MR. EMERICK: That was a simple answer. Thank you.

CHAIRMAN KATZ: Okay. Mr. Mercier.

MR. MERCIER: Yes. Can you just -- can you describe the differences in coverage between antenna heights of 130 and 160 feet?

MR. CROTTY: Yes. Referring to Cellco's

responses to Interrogatory No. 5, we did composite radio frequency plots with the surrounding sites plus the proposed site at 130 feet, and then we did a plot with the surrounding sites and the proposed site at 160 feet. And the main difference is heading from the proposed site east along Route 202. And if you look at the composite plot at 130 feet, heading east past the bridge large gaps of coverage open up. If you look at that same area at 160 feet, we basically get connectivity or seamless coverage along Route 202.

MR. MERCIER: Whereabouts is that? Is that on say the northwest arm of the reservoir or the northeast arm?

MR. CROTTY: It would be the northeast arm, yeah, kind of -- 202 heading from the site it flattens out, it's pretty much east/west and then it starts heading northeast, and kind of north of the reservoir.

MR. MERCIER: There are existing gaps at the 160-foot level though, is that correct?

MR. CROTTY: No, that's not correct.

MR. ASHTON: Or are you saying that the gaps are sufficiently small that they will not be a practical problem?

MR. CROTTY: The only gaps occur along the reservoir where there's a bridge. Our tool is somewhat limited, it can't accurately predict the signal. It thinks the signal is down at the water level. And the signal level is actually at the bridge level. We did a detailed analysis on that area and we will have connectivity along the bridge.

MR. ASHTON: There's also a cut in that section where the ground -- or the road was cut through rock, so you have rock on both sides, but the tower looks down that -- or the shot from the tower looks right down that cut. Would that appear as a gap based on topography but not a gap based on the practical aspects?

MR. CROTTY: Are you talking at 160 feet or 130 feet?

MR. ASHTON: Well, I'm looking at the -- I happen to be looking at the 160-foot plot, but it may well also apply to the 130 -- certainly it would to some extent.

MR. CROTTY: Okay, once again it's a little tough with this scale, but if you really -- we did a zoomed in analysis on this section, and if you really look at it at 160 feet with the surrounding sites in that composite, we're going to be -- we're going to have

seamless coverage along Route 202. And the only caveat in that is the area of the bridge. And once again, we can't accurately predict that area because you're down -- the tool thinks you're down at the water level and you're actually 15 to 20 feet above that level, which means a better line of sight and you'll actually have better coverage.

MR. ASHTON: Refresh my memory. I remember the cut, but I don't recall the bridge. The bridge --

MR. CROTTY: It goes over --

MR. ASHTON: -- is on 202?

MR. CROTTY: Yeah, it goes right over the reservoir.

MR. ASHTON: And goes over the reservoir?

MR. CROTTY: Yeah.

MR. EMERICK: Mr. Crotty, can we be clear of what white dot on this map we're looking at when we talk about this bridge, because I'm looking at several white dots on 202 both at 130 feet and 160 feet?

MR. CROTTY: Okay. Well, basically at the 160-foot plot, the area in blue is the water and the bridge goes from a little before that, a little west of that to a little east of that water, so you're -- the

bridge goes over that water. It's a little hard to tell. There's also some coverage -- some green coverage along that water.

MR. EMERICK: Is this the part of 202 -- it's more or less heading east and then it turns northeast --

MR. CROTTY: Correct.

MR. EMERICK: -- before again turning east. It's that leg through there?

MR. CROTTY: Yep.

MR. EMERICK: And as I look at 160, I see a very -- the first one heading east after you make that bend turning northeast --

MR. CROTTY: Yep.

MR. EMERICK: -- is that the bridge we're talking about?

MR. CROTTY: Yeah, right there. And what we do on our tool is we basically run a profile, it's a cross-section of elevation. It also shows us the signal. And we run a profile from the site over to that area. And basically, it showed us better coverage than what you're seeing there. So we're confident that area will be covered.

MR. EMERICK: Okay. And as you continue

northeast along that segment, I see two additional white dots on this map. Is that also an area where you expect to have coverage?

MR. CROTTY: Yeah. The first area is once again the bridge. And then once again --

MR. EMERICK: No, wait, wait, wait. We already took care of the bridge, that was the first white dot.

MR. CROTTY: Yeah.

MR. EMERICK: And then we go into an area that's colored green with a little salmon next to it.

MR. CROTTY: Yeah, and that's the water.

MR. EMERICK: And then we approach another white dot?

MR. CROTTY: Yeah. And that's your other -- your other side of your bridge.

MR. EMERICK: Okay.

MR. CROTTY: And then continuing that -- it's a little hard to tell with this scale, but there's -- that's actually -- past that it's going to be seamless --

MR. EMERICK: Even though there's a little dot there?

MR. CROTTY: Yeah. There's a little dot

there and we also have drive test data from our Collinsville -- on the plot of what we call our Collinsville 2 site, and the drive test data supported that area. That little dot is actually a little better than it shows on that plot.

MR. EMERICK: And then when I turn back to 130 and look at those same dots, even though they are white on this map as well, you say those white dots do not provide you the conductivity that you want even though the dots on the 160 does?

MR. CROTTY: Well those -- those dots are still there. However, another quarter mile large gap opens up. So that's what we're saying, we get that quarter of a mile at 160, and at 130 we don't get that quarter-mile coverage. So if you compare the 160 and the 130, you can see there's -- heading northeast there's a much larger gap and it adds up to be about a quarter of a mile.

MR. EMERICK: Thank you.

MR. MERCIER: At 130 feet what is the length of the gaps on 202 between New Hartford and Collinsville, the total amount?

MR. CROTTY: It would be about a quarter of a mile.

MR. MERCIER: And at 160 it's just the small bridge area?

MR. CROTTY: Yeah. However, that bridge area will be covered. It will be seamless at 160.

CHAIRMAN KATZ: Are you assuming that you're going to get an extension on a Collinsville tower when you do these composite coverage maps?

MR. CROTTY: Well, we went for -- we're really talking about Collinsville 2, which is an SBA tower --

CHAIRMAN KATZ: Right.

MR. CROTTY: -- and we're assuming the 147-foot level on that tower.

CHAIRMAN KATZ: Okay. So you're not on there now?

MR. CROTTY: No, we're not.

CHAIRMAN KATZ: Okay. And --

MR. BALDWIN: But we --

CHAIRMAN KATZ: -- and how tall is this tower?

MR. BALDWIN: Madam Chair, if I could. Verizon Wireless did receive approval from the Council to share the Collinsville 2 site, which is the SBA tower at 147 feet.

CHAIRMAN KATZ: Okay. So that's an approved one. How about the other Collinsville?

MR. CROTTY: The -- what we call on the map just -- not Collinsville 2, but Collinsville --

CHAIRMAN KATZ: Right.

MR. CROTTY: -- we went for an extension of 10 feet for PCS to 120 feet. However, that was basically determined to provide coverage along Route 44. Really -- based on the topography in this area, it doesn't really cover --

CHAIRMAN KATZ: Okay --

MR. CROTTY: -- 202 --

CHAIRMAN KATZ: -- so it doesn't really affect this tower, which is mainly a 202 tower?

MR. CROTTY: That's correct.

CHAIRMAN KATZ: Okay.

COURT REPORTER: One moment please. (Pause). Thank you.

CHAIRMAN KATZ: Mr. Mercier.

MR. MERCIER: Yes. Regarding the visibility map, can you estimate the number of homes that will have visibility of a 160-foot tower?

MR. LIBERTINE: There are --

COURT REPORTER: A microphone please.

MR. LIBERTINE: Along Southeast Road there are approximately half a dozen homes that may have views depending upon where you are in their yard.

CHAIRMAN KATZ: Are these additional homes or total?

MR. LIBERTINE: Total.

CHAIRMAN KATZ: Can you answer the question as additional?

MR. LIBERTINE: Oh, I'm sorry, Madam Chair, I misunderstood the question.

CHAIRMAN KATZ: No, he -- he asked --

MR. LIBERTINE: Additional --

CHAIRMAN KATZ: -- you answered it the way he asked it --

MR. LIBERTINE: Okay.

CHAIRMAN KATZ: -- but I'm asking a separate question --

A VOICE: He didn't ask additional.

MR. LIBERTINE: Okay. I haven't done a thorough analysis of that, but I would -- I'm going to estimate that we're probably adding one in total. And that is questionable again depending upon where you are.

MR. ASHTON: Did you -- did you not assume that there was no vegetation in that analysis?

MR. LIBERTINE: What we've done is we've assumed the worse case scenario. And it's something we're trying to accommodate in our future applications for leaf-off conditions or seasonal visibility. And it is -- it is an overly conservative estimation. But in this case that is what we assumed because of the proximity to the tower. So yes -- to answer your question, yes, we assumed that with no leaves on the trees.

MR. ASHTON: Thank you.

MR. MERCIER: I have no further questions, Madam Chairman.

CHAIRMAN KATZ: Mr. Emerick.

MR. EMERICK: I do have one question. In looking at the composite maps, sites are shown as triangles, or composites of triangles that are either blue colored or rust color. Could you explain the significance of the coloration? And then I see at least on one site which has both a rust and a blue color triangle -- well --

MR. CROTTY: Yes. The blue is depicting PCS coverage. The rust is 800-megahertz. And the ones that are rust and blue would be sites that could be 800 plus PCS because they're not across the Litchfield County

border so we have both licenses in that area.

MR. ASHTON: Mr. Crotty --

MR. EMERICK: What about --

MR. ASHTON: -- just to pick up on that, would it be possible in the future to kind of provide a key so it helps us as we look at these things.

MR. CROTTY: Sure, we can do that for you.

MR. ASHTON: Thank you.

MR. EMERICK: If I look at the Canton site though, the representation of I guess the antenna array appears to be different. If we look at Collinsville 2, we see a rust and a blue, kind of evenly matched. But when I go to Canton, the triangles that form that ring are offset. Is there some significance to that?

MR. CROTTY: Yeah, we're looking to best hand-off heading -- heading east in that area. And also we have the 800-megahertz license and we're not allowed to cover Litchfield County. We have to talk to our neighbor and get what we call a contour extension. So we try and minimize the overshoot of 800 into a county that we don't have the license for. So we're trying to basically minimize the 800-megahertz overshoot and it's basically a different antenna orientation.

MR. EMERICK: So is the blue the PCS

frequency and the rust the -- I guess the cellular?

MR. CROTTY: Yeah, that's correct. So the blue you're kind of -- you're getting more coverage heading directly west. And we kind of offset the cellular a little bit so we wouldn't get as much coverage, you know, heading that way, thus requiring more negotiations with the neighboring system.

MR. EMERICK: So in terms of the antennas you operate -- like on that Canton site you operate cellular antennas and PCS antennas? Are they separate?

MR. CROTTY: Yes.

MR. BALDWIN: I would just add, Mr. Emerick, that our filing that's on the agenda today for Collinsville 2 is a modification to that which was previously approved to install both PCS and cellular antennas on that site. Our petition that we filed for the Collinsville site also includes PCS and cellular antennas.

MR. EMERICK: I -- let me ask, I just saw -- and somebody filed it and forgive me I don't remember who, but information about an antenna that could be used by multiple carriers?

MR. CROTTY: There was --

CHAIRMAN KATZ: You mean Smart --

MR. EMERICK: Yeah --

MR. CROTTY: Yeah --

MR. EMERICK: Was it Smart antennas or something -- is that --

CHAIRMAN KATZ: That was in --

MR. CROTTY: There was one company --

CHAIRMAN KATZ: -- (indiscernible, overlap of talking) --

MR. CROTTY: -- Metawave (phonetic), and they're now out of business.

A VOICE: They're not that smart -- (laughter).

MR. EMERICK: Okay.

CHAIRMAN KATZ: That speaks well.

MR. EMERICK: That's my final question. Thank you.

CHAIRMAN KATZ: Mr. Heffernan.

MR. HEFFERNAN: No questions, Mr. Chairman.

CHAIRMAN KATZ: Mr. Tait.

MR. TAIT: I remember reading the paper that a subdivision in Collinsville was approved on the other side of that reservoir. Does this new tower height impact that subdivision greater than it did before?

MR. LIBERTINE: No. And for clarification, if we're talking about the Sweetheart Mountain Subdivision --

MR. TAIT: Yes.

MR. LIBERTINE: -- which is in Canton, that is on the easterly side of the reservoir. It's just about two miles from the facility. We actually in response to interrogatories for the Sprint application did run an evaluation of that. We went and spoke with the town and actually got the mapping for that and overlaid it on the viewshed map. And we actually turned off all again the leaf -- the leaf-on conditions off so that we were showing a worse case scenario. And at 150 feet it did not impact it. And we confirmed that again with the increased height of 160 feet, also no impacts, and again with the worse case scenario.

MR. TAIT: Thank you. No further questions.

CHAIRMAN KATZ: Mr. Ashton.

MR. ASHTON: Nothing, thank you, Madam Chairman.

CHAIRMAN KATZ: Mr. Murphy.

MR. JERRY MURPHY: Nothing.

CHAIRMAN KATZ: Mr. O'Neill.

MR. O'NEILL: No additional questions, thank you.

CHAIRMAN KATZ: Okay. For the record, Mr. Baldwin, the Council has assigned this Petition No. 649. Okay.

Mr. Regan, do you have questions for the intervenor?

MR. REGAN: No questions, Madam Chairman.

CHAIRMAN KATZ: Okay. Mr. Fisher.

MR. FISHER: No questions.

CHAIRMAN KATZ: Okay.

MR. BALDWIN: Madam Chair, if I may. Just so I make sure that we notify the right people, other than the First Selectman for the Town, were there any other interested parties that the Council would like me to notify about the proposed height extension?

CHAIRMAN KATZ: Well, whatever the service list was for docket --

MR. BALDWIN: Well -- yeah, clearly the service list.

MR. TAIT: Do you have your -- have you read the transcript? I don't remember whether there was any --

MR. BALDWIN: I did read the transcript.

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:	:	
	:	
APPLICATION OF SPRINT SPECTRUM, L.P.	:	DOCKET NO. 251
FOR A CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED FOR	:	
THE CONSTRUCTION, MAINTENANCE AND	:	
OPERATION OF A TELECOMMUNICATIONS	:	
FACILITY AT 170 SOUTHEAST ROAD, NEW	:	
HARTFORD, CONNECTICUT	:	SEPTEMBER 19, 2003

RESPONSES TO CONNECTICUT SITING
COUNCIL PRE-HEARING INTERROGATORIES

On August 27, 2003, Cellco Partnership d/b/a Verizon Wireless ("Cellco") received from the Connecticut Siting Council pre-hearing interrogatories relating to the above-captioned application (the "Application"). Below are Cellco's responses.

Question No. 1

Discuss Cellco's need for the proposed facility. Specifically, what level of coverage does Cellco currently have in this area, and in what ways would the proposed facility affect the existing level of service?

Response

As the Council is aware from recent correspondence, Cellco recently acquired the PCS License of Northcoast Communications, Inc. for Litchfield County, Connecticut, and is about to commence the build-out of its system in this area. Currently, Cellco has no coverage in the Town of New Hartford. The mounting of antennas on the proposed Sprint tower off Southeast Road would provide coverage along an approximately two and one-half mile portion of Route

202, as well as significant coverage in the immediately surrounding areas of Southeastern New Hartford. Coverage from this tower would also connect with the PCS coverage Cellco expects to achieve from its approved tower site on the Canton/New Hartford town line (Docket No. 204) and a proposed installation on the AT&T Wireless tower on Antolini Road in New Hartford.

Question No. 2

What is the operating frequency and the minimum signal level threshold Cellco is planning to use in the New Hartford area?

Response

Cellco PCS antennas will operate in the frequency band of 1970-1975 MHz. Cellco's design threshold for all of its PCS facilities is -85 dBm.

Question No. 3

Provide Cellco's proposed antenna height, antenna specifications, including type, make, size, model, quantity, number of channels, and maximum power output.

Response

Cellco intends to install twelve (12) DB950F65E-M panel type PCS antennas at the 160-foot level on the proposed tower. Antenna specifications are included in Attachment 1. Cellco's maximum power output would be 1482 watts ERP. Also attached is a table of the worst case power density calculations for Cellco's PCS antennas at this site. (See Attachment 2).

Question No. 4

Provide separate propagation plots (2 copies on clear plastic overlays) at the signal level threshold identified in Question 2, at a scale of 1:75,000, depicting coverage from all existing and/or approved Cellco sites in the area. Provide a brief description of the existing sites including location, distance to the proposed facility, facility type, and antenna height.

Response

The coverage plots requested are included in Attachment 3. These coverage plots depict a number of sites throughout eastern Litchfield County. Cellco currently maintains antennas on a tower at the Canton Volunteer Fire Department at the 120-foot level ("Canton" site); at the 147-foot level on an existing tower off Powder Mill Road ("Collinsville 2"); and intends to install antennas at the 120-foot level on a tower approved by the Council in Docket No. 204. All other sites depicted on the coverage plots are existing towers that Cellco intends to share. Both the Collinsville 2 and the Canton site are located approximately 2 ½ miles northeast of the proposed New Hartford East tower site.

Questions No. 5

Provide separate propagation plots (2 copies on clear plastic overlays) at the signal level threshold identified in Question 2, at a scale of 1:75,000, depicting coverage from the proposed site from the height identified in Question 3 and at a height of 110 feet AGL.

Response

The coverage plots requested for the Cellco antennas at 160 feet AGL on the proposed tower are included in Attachment 4.

Question No. 6

Provide specifications of the equipment building or cabinets to be installed at the proposed site.

Response

Cellco proposes to install its standard 12' x 30' equipment shelter in the tower compound. The specifications for the Cellco building, radio equipment are included in Attachment 5. Cellco will install a diesel-fueled generator inside a 10' x 12' generator room.

This room will be a part of its larger equipment shelter. The generator will provide emergency power to Cellco's equipment during times of commercial power failure. Diesel fuel will be stored in a "belly-tank", which is an integral part of the generator unit.

Question No. 7

Did Cellco have a search ring in this area prior to the filing of this application? If so, were the CL&P transmission structures in the vicinity of Route 202 considered for telecommunications use?

Response

As stated above, Cellco's recent license acquisition for Litchfield County has necessitated the establishment of search rings throughout the area. Once Cellco representatives identified the proposed Sprint tower as a structure that would provide adequate coverage it did not search for or consider additional existing structures in the area.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September, 2003, a copy of the foregoing was mailed, via Federal Express, to:

Christopher B. Fisher, Esq.
Cuddy & Feder LLP
90 Maple Avenue
White Plains, NY 10601-5196

and on the 19th day of September, 2003, a copy of the foregoing was hand delivered to:

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
CityPlace I, 38th Floor
185 Asylum Street
Hartford, CT 06103

Kenneth C. Baldwin

DECIBEL PRODUCTS
An Allen Telecom Company

DB950F65E-M

16.1 dBd
Directional Log Periodic Antenna

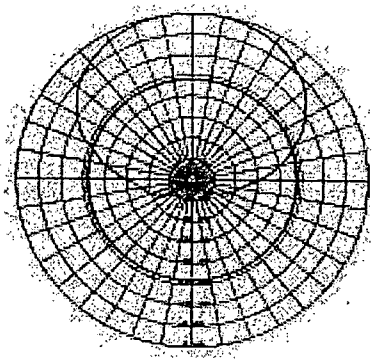
1850-1990 MHz

MaxFill™
dB Director®

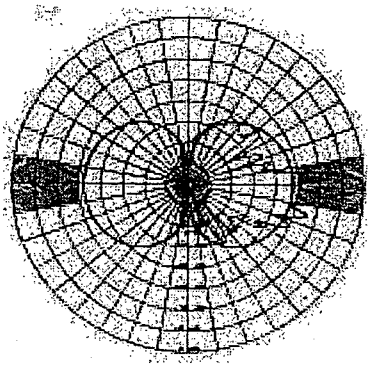
- 1850-1990 MHz
- 16.1 dBd (18.2 dBi) Gain
- Vertical Polarization
- 65° Azimuth BW
- 6° Elevation BW
- 7/16 DIN (Bottom)
- PCS

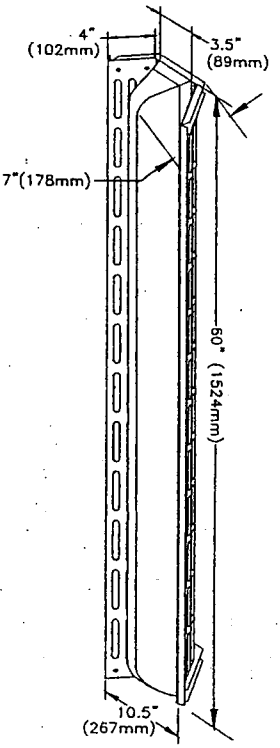
65°

Azimuth (Horizontal)



Elevation (Vertical)





Electrical

VSWR:	1.35:1
Null Fill:	12 dB, typical; 15 dB, minimum
USLS:	18 dB, typical
Front-to-Back Ratio:	40 dB, typical
Max. Input Power:	250 Watts
Impedance:	50 Ohms
Lightning Protection:	All metal parts are grounded.

Mechanical

Weight:	16.4 lbs (7.4 kg)
Frontal Wind Area:	4.4 ft² (0.41 m²)
Lateral Wind Area:	2.9 ft² (0.27 m²)
Frontal Thrust:	176 lbf (783N) 79.1 kp (at 100 mph)
Lateral Thrust:	116 lbf (516N) 52.1 kp (at 100 mph)
Max. Wind Speed:	125 mph (201 km/h)
Radiators:	PCB
Back Panel:	Pass. Aluminum
Radome:	ABS, UV Stabilized
Mounting Hardware:	Galvanized Steel
Color:	Normal Gray

Mounting Options

Standard:	DB390 pipe mount kit, included.
Downtilt:	DB5098 downtilt bracket, optional

8635 Stemmons Freeway • Dallas, Texas U.S.A. 75247-3701
Dallas/Ft.Worth Area Tel: 214.631.0310 • Fax: 214.631.4706
Toll Free Tel: 1.800.676.5342 • Fax: 1.800.229.4706
www.decibelproducts.com
dbtech@decibelproducts.com

ISO9001 Compliant

099234-002 01/02-I

Site Name: New Hartford E, CT
Tower Height: 160' centerline

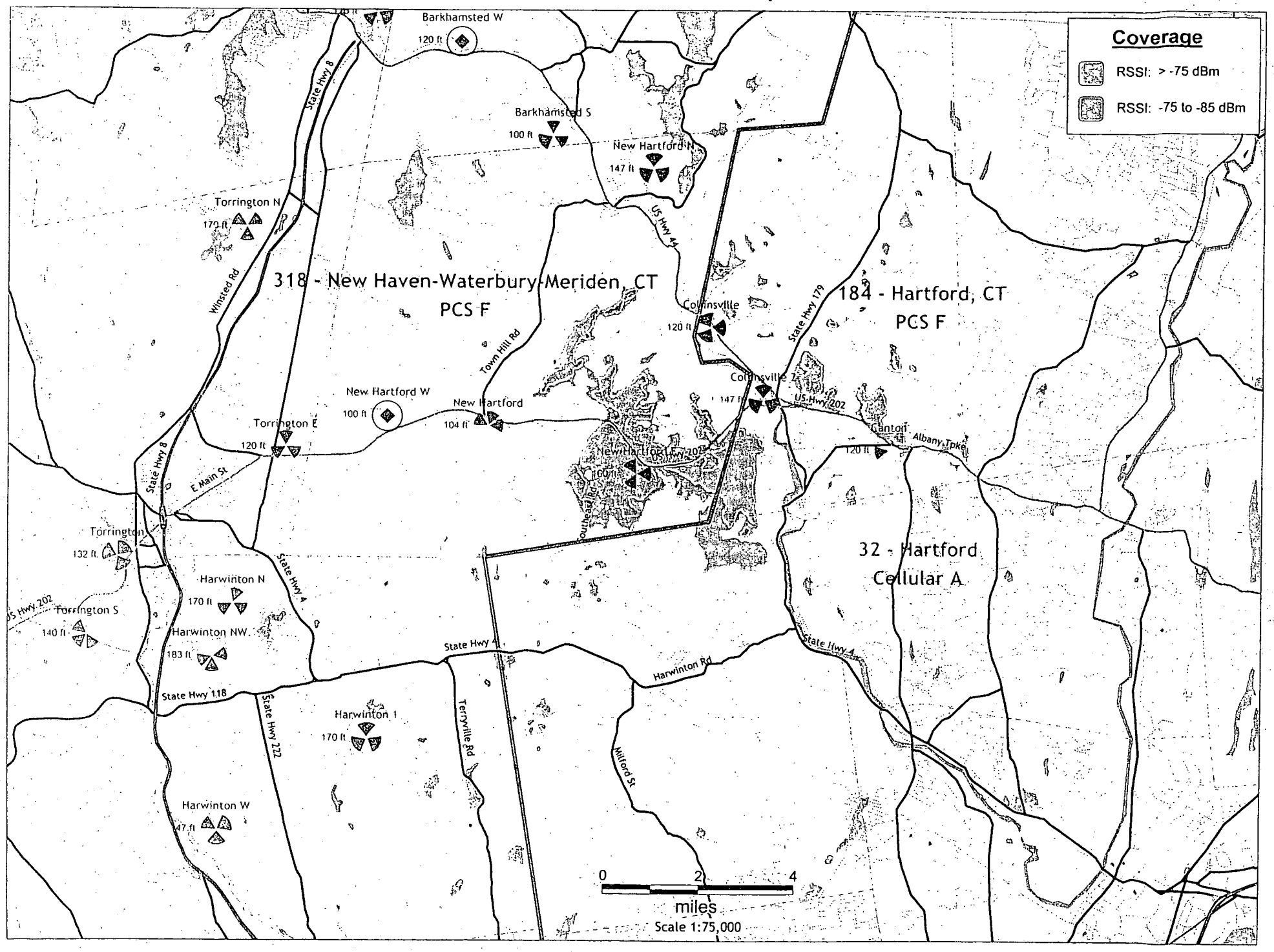
Operator	Operating Frequency	Number of Trans	ERP Per Trans.	Total ERP	Distance to Target	Calculated Power Density	Maximum Permissable Exposure	Fraction of MPE
	(MHz)		(watts)	(watts)	(feet)	(mW/cm^2)	(mW/cm^2)	(%)
Verizon	1970	3	494	1482	160	0.0208	1	2.08%
Total Percentage of Maximum Permissible Exposure								2.08%

*Guidelines adopted by the FCC on August 1, 1996, 47 CFR Part 1 based on NCRP Report 86, 1986 and generally on ANSI/IEEE C95.1-1992

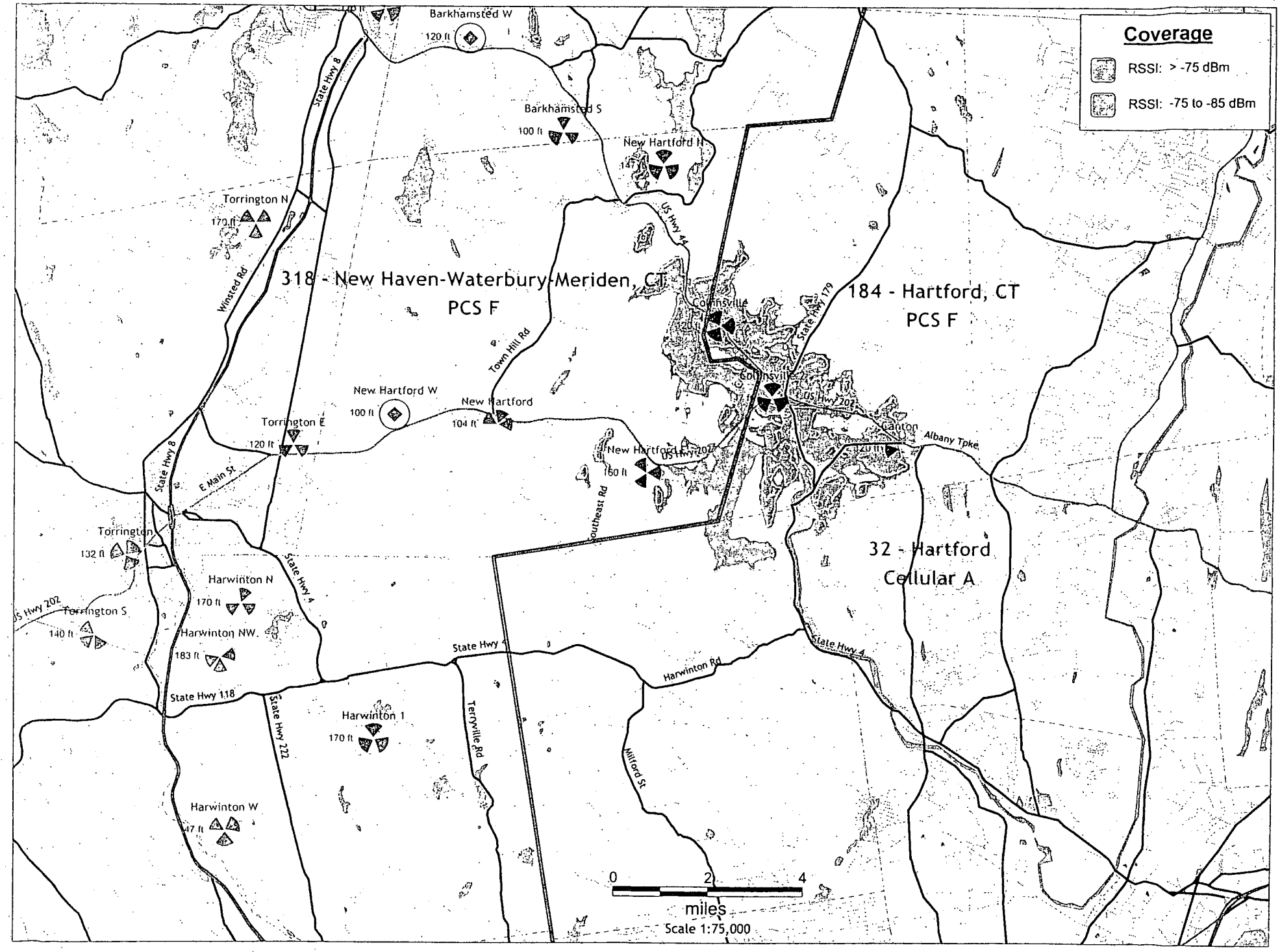
MHz = Megahertz
mW/cm^2 = milliwatts per square centimeter
ERP = Effective Radiated Power

Absolute worst case scenario, maximum values used.

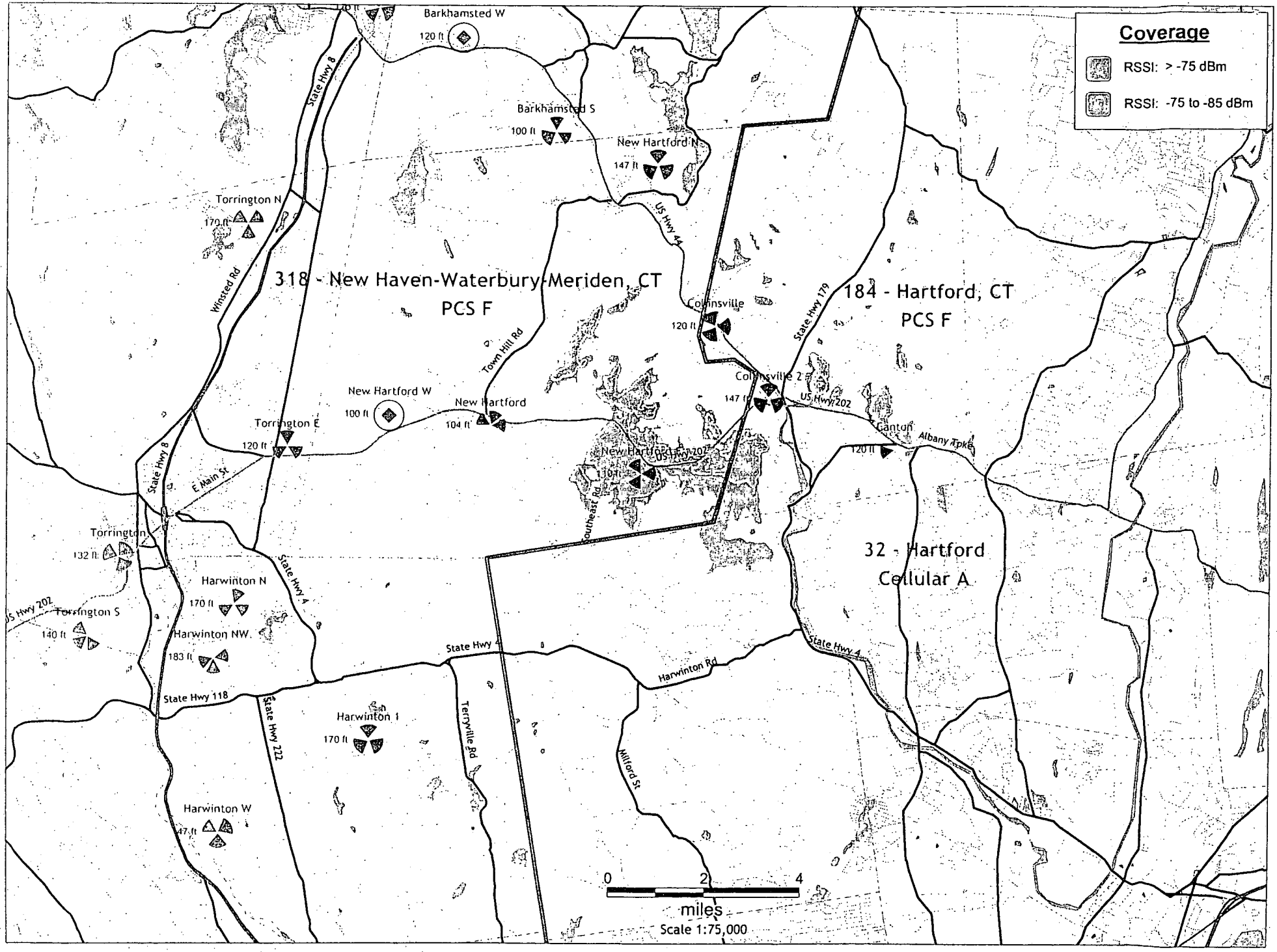
Coverage from Proposed New Hartford E Site @ 160 ft



Coverage from Neighbor PCS Sites in Vicinity of Proposed New Hartford E Site



Coverage From Proposed New Hartford E Site @ 110 ft

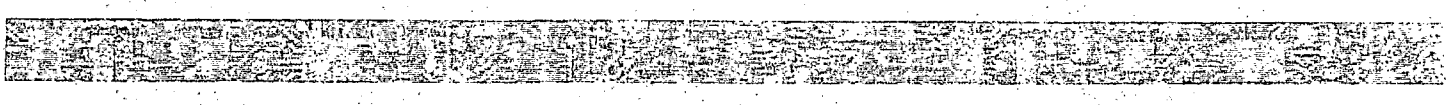


Lucent Technologies
Bell Labs Innovations

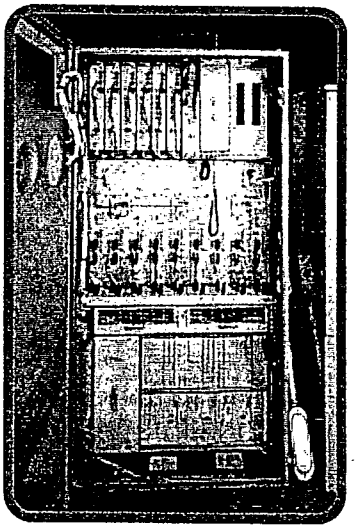
THE FLEXENT™ WIRELESS NETWORK

The Flexent™ CDMA Modular Cell

The Solution to Reliable, High-Capacity Urban Coverage



The Flexent™ CDMA Modular Cell



The Flexent CDMA Modular Cell Primary Cabinet

Maximum Expandable Capacity for High-Traffic Environments

The Flexent CDMA Modular Cell is Lucent's primary indoor/outdoor base station for CDMA. This revolutionary product offers both high capacity and excellent reliability. It is especially beneficial for both cellular and PCS providers who want coverage in urban and suburban high-traffic environments now as well as the ability to expand for future growth.

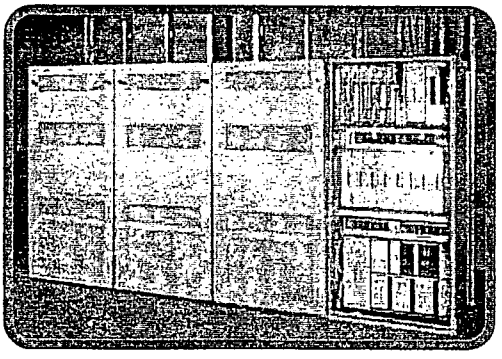
For International and new PCS providers, the CDMA Modular Cell answers the need for cost-effective per-subscriber market entry as well as build-out of high-capacity coverage. It eliminates holes and RF trouble spots and reduces life cycle costs in networks that need high capacity applications.

Maximum Channel Elements in a Small Space

The CDMA Modular Cell meets the need for compacting maximum channel elements into the smallest footprint. Innovations from Bell Labs have consolidated many functions into fewer circuit boards to give you three carriers in one cabinet. This result is a smaller cell site footprint which not only lowers the cost of Flexent Modular Cell base stations, it also reduces real estate costs. This lets you improve your pricing and performance and sustain profitability.

Expandable Capacity Made Easy

Each CDMA Modular Cell allows large multi-carrier configurations with 1 to 11 carriers (1 to 9 Cellular, 1 to 11 PCS). In addition, the Modular Cell gives you flexibility to grow your system by adding cabinets in a modular fashion as your network capacity needs increase.



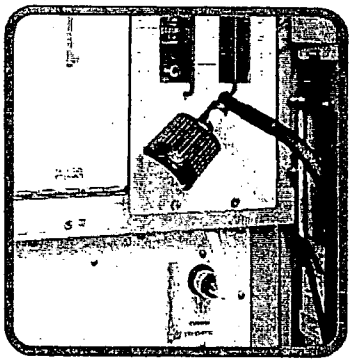
Primary Cabinet shown with Growth Frames

A Service Provider's Greatest Infrastructure Investment

The CDMA Modular Cell gives service providers a cost-effective and graceful migration to 3G-3X (5MHz). By migrating control hardware to software applications utilizing the Flexent Applications Processor Cluster (APC), this digital base station is an economical solution for the evolution of existing wireless architecture. It can interact with traditional Lucent AUTOPLEX® System 1000 wireless cell sites such as the Series II, thereby expanding the life of your existing system. It will also interact with other Flexent base station products that may be offered in the future.

CDMA

Equipment Options for CDMA Modular Cell

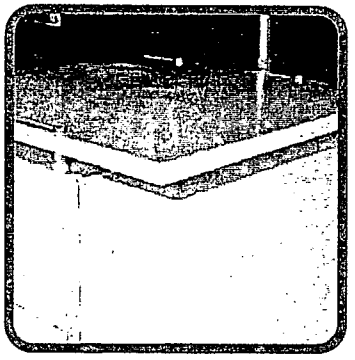


Technician Convenience Lights

No more holding flashlights in a technician's month! Two optional convenience lights allow a technician to have bright light when performing maintenance and installation procedures. Located one on the top and another on the bottom (see below) of the cabinet, these flexible lights are ideal for outdoor/indoor nighttime operations.

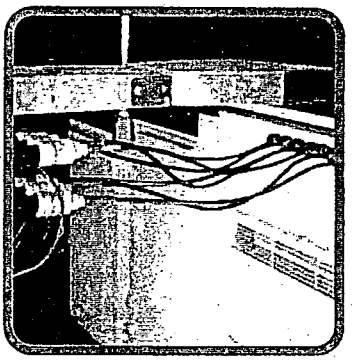
110 Volt External Outlet and Bottom Convenience Light

This convenient electrical outlet allows technicians to plug up to two, three prong 110V electrical devices into the Modular Cell. This is ideal for test equipment and other devices. (NOTE: Available in limited countries, please check with your Account Executive for availability.)



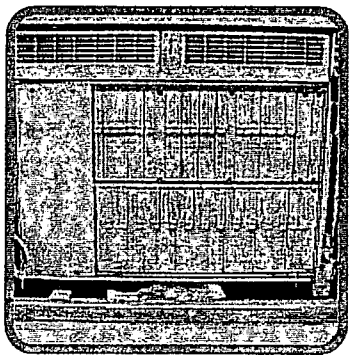
Exterior Solar Reflector

The exterior solar reflector mounted on top of the Modular Cell cabinet allows for increased higher temperature ranges in harsh solar environments. The exterior solar reflector allows the Modular Cell to operate in temperature environments up to +52C.



Antenna Connectors on the Rear of Cabinet

The new "flow through" design of the Modular Cell allows for antenna connections to be at the top/rear of the primary cabinet. This allows for better connections to the antenna system, creating a better environment for protection from flooding and water damage, and for rodent control.

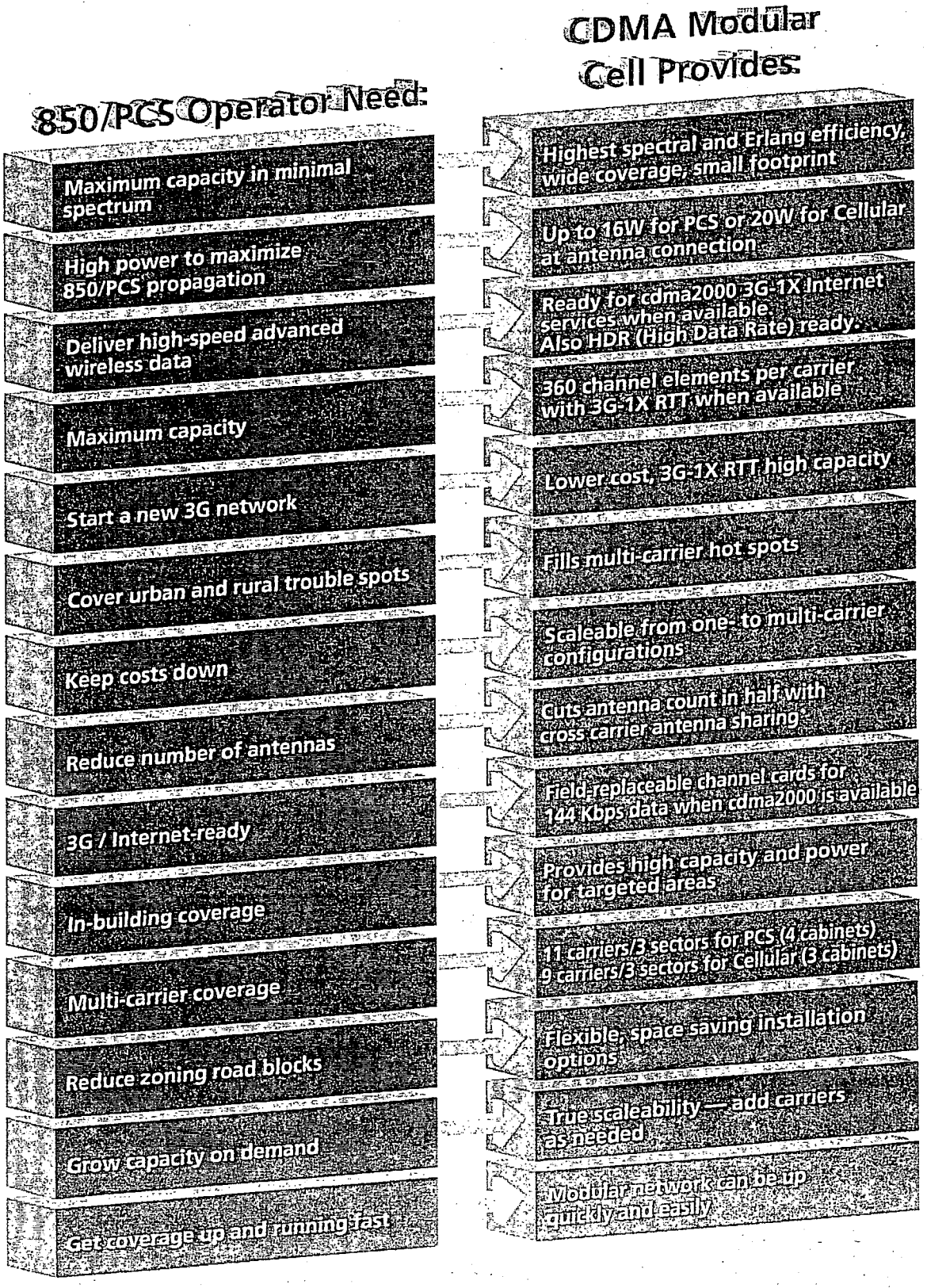


Enhanced Network Scaleability and Flexibility

Service providers requiring capacity flexibility in seasonal resort locations, or for special events, can quickly and economically scale capacity as needed with channel cards on a per carrier basis.

Cell

Flexent™ CDMA Modular Cell Adds Value



How the Flexent CDMA Modular Cell Operates

As one component of the Flexent product family, the Flexent Modular Cell uses the same CDMA radio system components as the Flexent CDMA Microcell to create a minicell platform for both Cellular and PCS networks. It will expand to 11 PCS or 9 Cellular IS-95 CDMA carriers. It is also capable of expanding to 3G-3X standards with a 5MHz "Wideband CDMA ready" backplane for new Third Generation network services.

It can interact with traditional Lucent cell sites such as the Series II and the AUTOPLEX® System 1000 Compact Minicell.

The Flexent CDMA Modular Cell

Parameter	Specification
Sectors	Omni/1,2,3 or 6 sectors
Carriers	Up to 11 carriers PCS, 9 Cellular, 3 carriers/sector per frame from Multi-carrier Ultra Linear amplifiers
CDMA Channel Elements (CEs) (Maximum Physical)	40 CEs per carrier/sector Up to 360 CEs per cabinet
T1/E1 Facilities	T1/E1, up to 2 per carrier: A maximum of 6 per cabinet
Air Interface Standards	ANSI-J-STD-008 for 1.9 GHz T1A/E1A 95-A plus TSB-74 T1A/E1A 95-B for 850 MHz cdma2000
Frequency Bands	PCS, Cellular
Vocoders	8 Kbps, 8 Kbps EVRC and 13 Kbps
Environmental Cabinet Housing	Indoor/Outdoor, Weatherized Bellcore GR-487-Core, NEBS, UL50 compliant Full Front Access/Indoor; Front & Rear/Outdoor
Operating Temperature Range	-40C to +46C outdoor -40C to +52C optional outdoor +5C to +40C indoor
Dimensions	72"H x 35"W x 36"D outdoor (1800mm H x 900mm W x 910mm D outdoor) 72"H x 35"W x 28"D indoor (1800mm H x 900mm W x 700mm D indoor)
Weight	1 carrier 800 lbs. Additional carriers are 100 lbs. each
Power Source	24V DC input Optional external battery backup
Cabinet Access	Outdoor: Rear access required All access panels equipped with hasps Indoor: Full front access Cabinet can be flush against the wall
Optional Accessories	Technician operator convenience lights Technician convenience 110V power outlets (2 plugs) Heat shield for top of outdoor base station enables operation temperature to +52C

The Flexent CDMA Modular Cell

- Offers 1 to 9 Cellular, 1 to 11 PCS CDMA carriers in a small cell footprint
- Each Modular Cell Cabinet will support 9 IS-95 CDMA carrier/sector configurations for:
  - 9 carrier/3 sector Cellular network applications
  - 11 carrier/3 sector PCS network applications
  - Can accept omni/3 sector/6 sector configurations*
  - Omni 1-9 carriers requires Growth Cabinet*
- Minimal antenna configuration: 2 antennas per sector
- Radio Control Server (RCS) from Applications Processor (AP)
- **cdma2000™** 1X ready, **cdma2000** 3X capable
- Graceful migration to 3G 5MHz services, no additional cabinets required
- 24V DC power
  - Optional external power cabinet
  - Optional external battery backup
- RF power (at J4)
  - 20W per carrier (850)
  - 16W per carrier (PCS)
- Up to 40 channel elements per sector per carrier with 3-way interconnection (to support soft and softer handoff), up to 360 CEs per cabinet
- Channel pooling across sectors
- 3-sector, 3 carrier in one cabinet (or up to 9-carrier omni)

* *Architecturally supported but will only be offered on demand.*

For more information on Lucent Flexent™ systems and capabilities, contact your local Lucent Technologies Account Representative or call: 888-426-2252 (U.S.) or 314-891-6188 (outside U.S.).

Visit our website at http://www.lucent.com

Lucent Technologies Inc.
AMPS/PCS Messaging
6900 CDR 7/00

FLEXENT

Lucent Technologies
Bell Labs Innovations

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:	:	
	:	
APPLICATION OF SPRINT SPECTRUM, L.P.	:	DOCKET NO. 251
FOR A CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED FOR	:	
THE CONSTRUCTION, MAINTENANCE AND	:	
OPERATION OF A TELECOMMUNICATIONS	:	
FACILITY AT 170 SOUTHEAST ROAD, NEW	:	
HARTFORD, CONNECTICUT	:	SEPTEMBER 19, 2003

SUPPLEMENTAL INFORMATION

On September 9, 2003, the Connecticut Siting Council ("Council") granted Cellco Partnership d/b/a Verizon Wireless ("Cellco") intervenor status in the above-captioned docket. Cellco now submits the following supplemental information in support of its proposed shared use of Sprint's Southeast Road tower in East Hartford.

PCS License Holder

On May 23, 2003, Cellco acquired the Northcoast Communications LLC, PCS licenses for large sections of the east coast and mid-west, including the entire State of Connecticut. This acquisition will allow Cellco to expand its wireless telephone network into Litchfield County, Connecticut and provide additional radio spectrum for growth throughout its existing Connecticut market areas. Cellco has commenced the build-out of its Litchfield County network. Its initial phase of development in Litchfield County will involve the shared use of a number of existing and proposed towers. Sprint's Southeast Road site in New Hartford, Connecticut, presented in Docket No. 251, is one of the proposed locations in which Cellco is interested.

Cellco's Need

Cellco's radio frequency (RF) engineers have determined that an antenna centerline of 160 feet AGL, ten feet above the proposed tower height, is necessary for Cellco to provide acceptable levels of coverage in New Hartford between existing and approved towers Cellco intends to utilize in the area.

As described in its response to the Council's Interrogatory No. 1, Cellco currently has no coverage in the Town of New Hartford. Cellco's network design in this area will utilize the recently approved, Canton tower (Council Docket No. 204) to the east and as many as three existing towers in New Hartford, to the west and north of the proposed Sprint tower. For example, Cellco intends to mount antennas on the AT&T, 20 Antolini Road tower at the 104-foot level; and on the Sprint, 115 Industrial Park Road tower at the 147-foot level. Cellco intends to install antennas at the 120-foot level on its approved Canton tower.[1] Coverage plots for these sites are included as a part of Cellco's response to the Council's pre-hearing interrogatories.

Visual Impact

As a part of its application, Sprint analyzed the visual impact of the proposed tower at 150 feet. In support of its proposal to increase the tower height to 160 feet, Cellco has asked VHB to update its Visual Resource Elevation Report for a tower of 160 feet. A copy of that updated report is attached to this filing.

[1] As a part of its decision in Docket No. 204, the Council contemplated the increase in height for the Canton tower to as much as 150 feet above ground level. In a recently filed petition for declaratory ruling, Cellco requested an increase in the Canton tower height from 110 to 120 feet. According to Cellco's radio frequency engineers, even if its PCS antennas were mounted at the 150-foot level in the Canton tower, due to terrain limitations in the area, the Canton tower could not provide adequate service to the west toward the Southeast Road tower site and, therefore, does not affect Cellco's need for an antenna height of 160 feet on the Southeast Road location.

Air Space Analysis

As indicated behind Tab 17 of the Sprint application, Ken Paterson Air Space Consulting, Incorporated completed an air space analysis for the proposed Sprint tower at an overall tower height of 180 feet above ground level and determined that notice of the tower's construction to the FAA was not required. Further analysis of a 160-foot structure is therefore not necessary.

Cellco Equipment

Cellco proposes to install an array of 12 PCS antennas on a triangular antenna platform at the 160-foot level on the tower. Cellco will also install its standard 12' x 30' equipment shelter near the base of the tower. Cellco will install a diesel-fuel back-up generator inside a 10' x 12' generator room, as a part of its equipment shelter. Utility and vehicular access to the tower site will be provided as proposed in the Sprint application.

Conclusion

Through its intervention in this docket, Cellco requests that the Council approve its shared use of the proposed Sprint tower and permit the extension of the tower to 160 feet to accommodate Cellco antennas. The information provided in this supplemental filing together with Cellco's responses to pre-hearing interrogatories from the Council, demonstrate Cellco's need to mount antennas at the 160-foot level in order to provide acceptable coverage in the New Hartford area. Cellco respectfully submits that the proposed 10-foot tower extension will not have a significant adverse environmental effect on the area and will not substantially increase the visual affect of the proposed tower.

Cellco, therefore, requests that the Council approve Sprint's Docket No. 251 application with a tower height not to exceed 160 feet to accommodate Cellco's need.

Respectfully submitted,

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

By _____

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275-8200
Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September, 2003, a copy of the foregoing was mailed, via Federal Express, to:

Christopher B. Fisher, Esq.
Cuddy & Feder LLP
90 Maple Avenue
White Plains, NY 10601-5196

and on the 19th day of September, 2003, a copy was hand delivered to:

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Brown Rudnick Berlack Israels LLP
CityPlace I, 38th Floor
185 Asylum Street
Hartford, CT 06103

Kenneth C. Baldwin

Transportation
Land Development
Environmental
Services

VHB Vanasse Hangen Brustlin, Inc.

54 Tuttle Place
Middletown, Connecticut 06457
860 632-1500
FAX 860 632-7879

Memorandum

To: Kenneth Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
27th Floor
Hartford, CT 06103-3597

Date: September 18, 2003

Project No.: 40433

From: Vanasse Hangen Brustlin, Inc.

Re: Photographic Simulations and Viewshed Map
Proposed Tower Extension to Sprint Application
170 Southeast Road
New Hartford, Connecticut

Robinson & Cole LLP, on behalf of Verizon Wireless, has requested that Vanasse Hangen Brustlin, Inc. (VHB) assess the visibility of a 10-foot tower extension at a proposed Sprint PCS facility (CT33XC271) to be located off Southeast Road in the Town of New Hartford, Connecticut. The proposed facility is currently under consideration by the Connecticut Siting Council (CSC). The following provides a brief description of the Site and its surroundings and explains the methodologies used in this analysis.

The Site is located within the Town of New Hartford east of Southeast Road. Land use within the general vicinity of the Site is mainly comprised of residential parcels with large tracts of undeveloped, forested land and the nearby Nepaug Reservoir. The topography within the Study Area (a 2-mile radius surrounding the proposed Site location) is characterized by rolling hills that range in elevation from approximately 500 feet above mean sea level (AMSL) to nearly 1,000 feet AMSL. The forest cover within the Study Area consists mainly of mixed deciduous hardwood and coniferous species with an average estimated height of 75 feet. This secondary growth forest occupies approximately 6,290 acres of the 8,042 acre study area (78%).

Sprint's initial proposal for this Facility includes the construction of a 150-foot monopole tower that can accommodate multiple wireless telecommunications antennae platforms. Verizon Wireless requires an increase of the proposed height of 150 by ten feet to 160 feet AGL to afford the collocation of its telecommunications antennae array and meet is coverage objectives. The structure Site is located at approximately 669 feet AMSL.

VHB prepared a Visual Resources Evaluation report (dated January 2003) for Sprint's proposed facility, which was previously submitted to the Town of New Hartford and the CSC. Information contained in that report has been used as the basis for this evaluation. In order to accurately represent the visibility

associated with a given tower facility, VHB uses a two-fold approach utilizing both a predictive computer model and extensive in-field verification. The predictive model is employed to assess potential visibility throughout the entire Study Area, including private property and/or otherwise inaccessible areas for field verification. A "balloon float" is also conducted to provide documentation from publicly accessible areas.

Using ESRI's ArcView® Spatial Analyst, a computer modeling tool, the areas from which at least the top of the tower is expected to be visible are calculated. This is based on information entered into the computer model, such as tower height, ground elevation, surrounding topography, existing vegetation, and potential visual receptors. Data incorporated in the model includes 7.5 minute digital elevation models (DEMs) and a digital forest layer for the project area. The DEMs were produced by the United States Geological Survey (USGS) in 1982 at a 30 meter resolution. The forest layer was derived through on-screen digitizing in ArcView® GIS from 1990 digital orthophotos with a 1 meter pixel resolution.

Also included on the map is a data layer, obtained from the Connecticut State Department of Environmental Protection (CTDEP), which depicts various land and water resources such as state parks and forests, recreational facilities, dedicated open space, CTDEP boat launches and others. This layer is useful in identifying potential visual impacts to a State, local or other resources that are located within the Study Area. There were a number of public hiking trails identified within the Study Area that include the Tunxis Trail (part of the CT Blue Blaze system) and several connecting trails. These trails were digitized, based on information provided in the *Connecticut Walk Book*, and incorporated into the viewshed map. Lastly, personnel at the Town of New Hartford were contacted to determine whether any local roads or other areas are designated as scenic. Based on information provided by the Town, there are no locally designated scenic roads located within the Study Area, but the portion of Connecticut State Route 202 that traverses the Study Area is designated by the State as a scenic roadway.

Once the data were entered, a series of constraints were applied to the computer model to achieve a realistic estimate of where the tower will be visible from within the Study Area. Initially, only topography was used as a visual constraint; the forest canopy is omitted to evaluate all areas of potential visibility without any vegetative screening. Although this is an overly conservative prediction, the initial omission of the forest canopy layer assists in the evaluation of potential seasonal visibility of the proposed facility. The average height of the forest canopy was determined in the field by measuring mature trees from several locations within the Study Area using a hand-held infra-red laser range finder. The average forest canopy within the Study Area was determined to be 75 feet. The forested areas within the Study Area were then overlaid on the DEM. It was reasoned that all the forested land (beyond a radius of 500 feet from the proposed Site) consisted of light-impenetrable trees of a uniform height. A canopy height of 75 feet was then added to the DEM within the forested areas, and the visibility calculated. As a final step, the forested areas were extracted from the areas of visibility, with the assumption that a person standing within the forest will not be able to view the proposed tower beyond a distance of approximately 500 feet. Depending on the density and topography of the surrounding woodlands, it is assumed that some locations within this range will provide visibility of at least portions of the Facility.

VHB conducted a "balloon float" at the project Site in order to evaluate the potential viewshed associated with the proposed Sprint PCS facility. The balloon float consisted of raising and maintaining a four-foot diameter helium-filled weather balloon at a height of 150 feet and conducting a drive-by reconnaissance of the Study Area, photographing the balloon from different vantage points to document

the actual view towards the proposed tower. The location and orientation of the photographs included in our previously submitted Visual Resource Evaluation report are listed below.

1. View from Southeast Road, looking southeast – Balloon visible.
2. View from Route 202, looking southwest – Balloon visible.
3. View from Route 202, looking southwest – Balloon visible.

Photographs of the balloon from the view points listed above were taken with a Nikon Digital Camera COOLPIX 950, which has a lens focal length equivalent to a 35 mm camera with a 38 to 115 mm zoom. "The lens that most closely approximates the view of the unaided human eye is known as the normal focal-length lens. For the 35 mm camera format, which gives a 24x36 mm image, the normal focal length is about 50 mm.[1]"The optical zoom lens for the Nikon COOLPIX was set at a range of 50 mm to 70 mm for the purposes of this Visual Resource Evaluation.

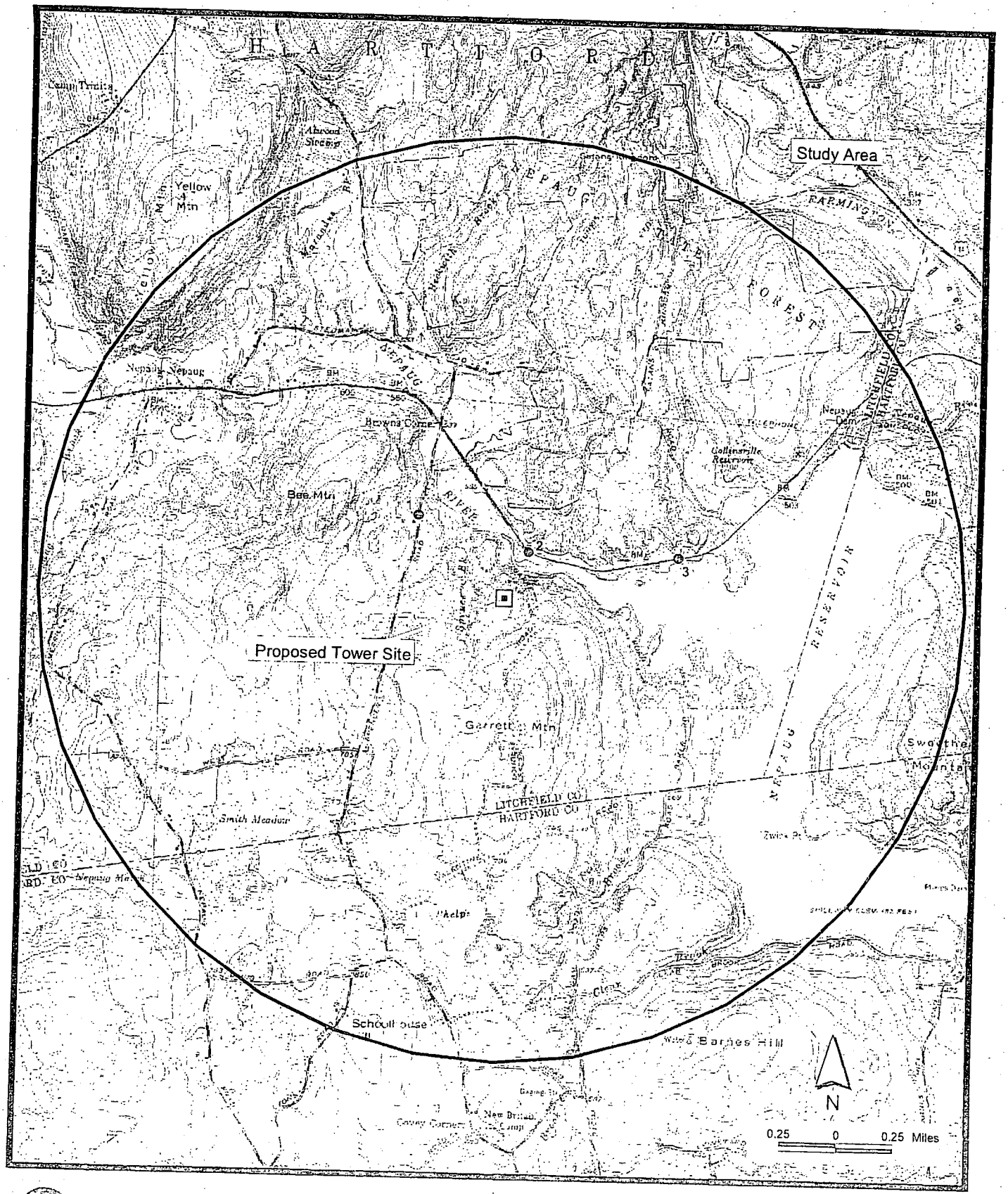
Photographic Simulations were generated for the three locations where the balloon was visible. The Photographic Simulations represent a scaled depiction of a monopole tower from these locations. The height of the tower, originally 150 feet tall, was determined based on the location of the balloon in the photographs and a proportional typical monopole image is simulated into the photographs. In order to reflect the ten-foot increase in height as is proposed by Verizon, the photographic simulations at 150 feet were rescaled.

Based on the viewshed analysis, areas from which a 160-foot tower will be at least partially visible year-round comprise approximately 116 acres or just over one percent of the Study Area. This represents an increase of 37 acres of visible acreage over the original 150-foot proposal brought forth by Sprint PCS. The majority of the increased visibility occurs over open water associated with the Nepaug Reservoir, a restricted public water supply. Overall, the proposed tower extension does not represent a significant increase in terms of visibility in comparison to the 150-foot tower originally proposed at this location. The map shows select areas along Route 202 and Southeast Road from where the proposed monopole tower will be visible above the tree canopy (as photo-documented). The map also indicates limited areas of seasonal visibility (when the leaves are off the trees) along Route 202, Southeast Road and over the Nepaug Reservoir. Based on our conservative analysis, limited seasonal views may also occur from the terminus of the Valley Outlook Trail, located approximately 1.34 miles to the north of the proposed Site. The additional ten feet required by Verizon will not visually impact the proposed Sweetheart Mountain subdivision in the Town of Canton, located approximately 2 miles to the east.

[1] Warren, Bruce. *Photography*, West Publishing Company, Eagan, MN, c. 1993, (page 70).

Photolog Documentation

Town of
New Hartford
Connecticut



Photographic Documentation and Simulation *View 1*

Town of
New Hartford
Connecticut

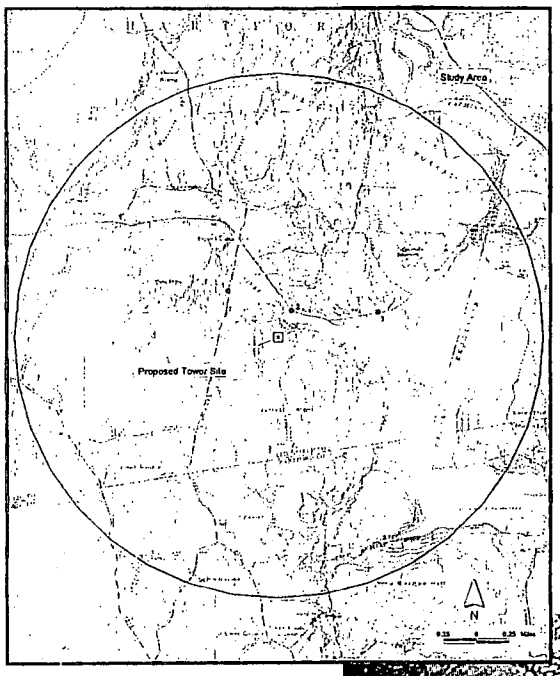


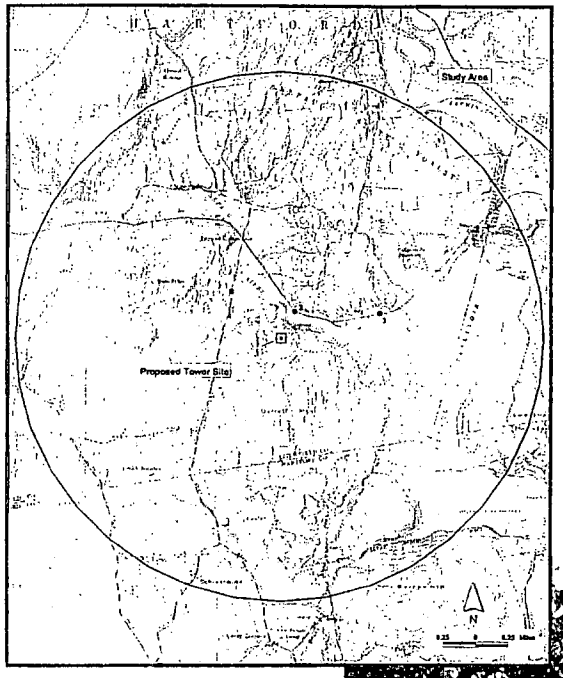
PHOTO TAKEN FROM SOUTHEAST ROAD, LOOKING SOUTHEAST

DISTANCE FROM THE PHOTOGRAPH LOCATION TO THE PROPOSED SITE IS 0.54 MILE +/-

ctmiddle\proj\40433\site\cl33xc271\graphics\visuals\cl33xc271_sims.pdf

Town of
New Hartford
Connecticut

Photographic Documentation and Simulation *View 2*



Existing Photo

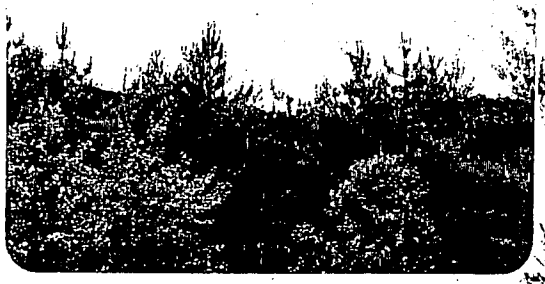
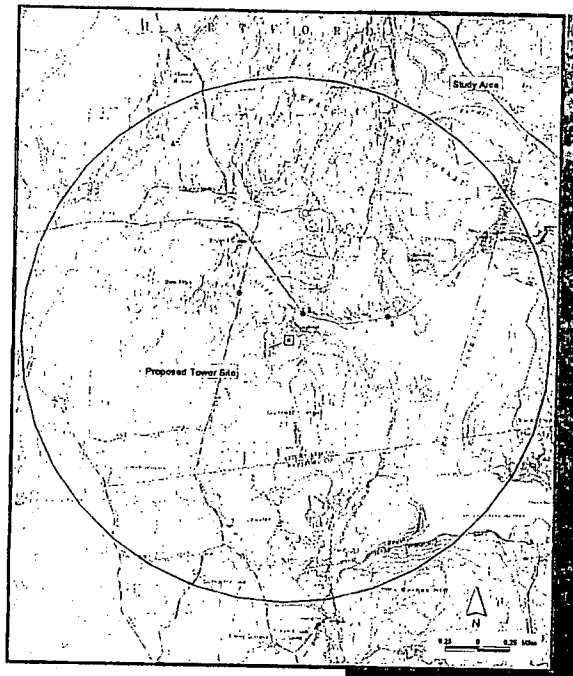


PHOTO TAKEN FROM ROUTE 202, LOOKING SOUTHWEST

DISTANCE FROM THE PHOTOGRAPH LOCATION TO THE PROPOSED SITE IS 0.23 MILE +/-

Photographic Documentation and Simulation *View 3*

Town of
New Hartford
Connecticut



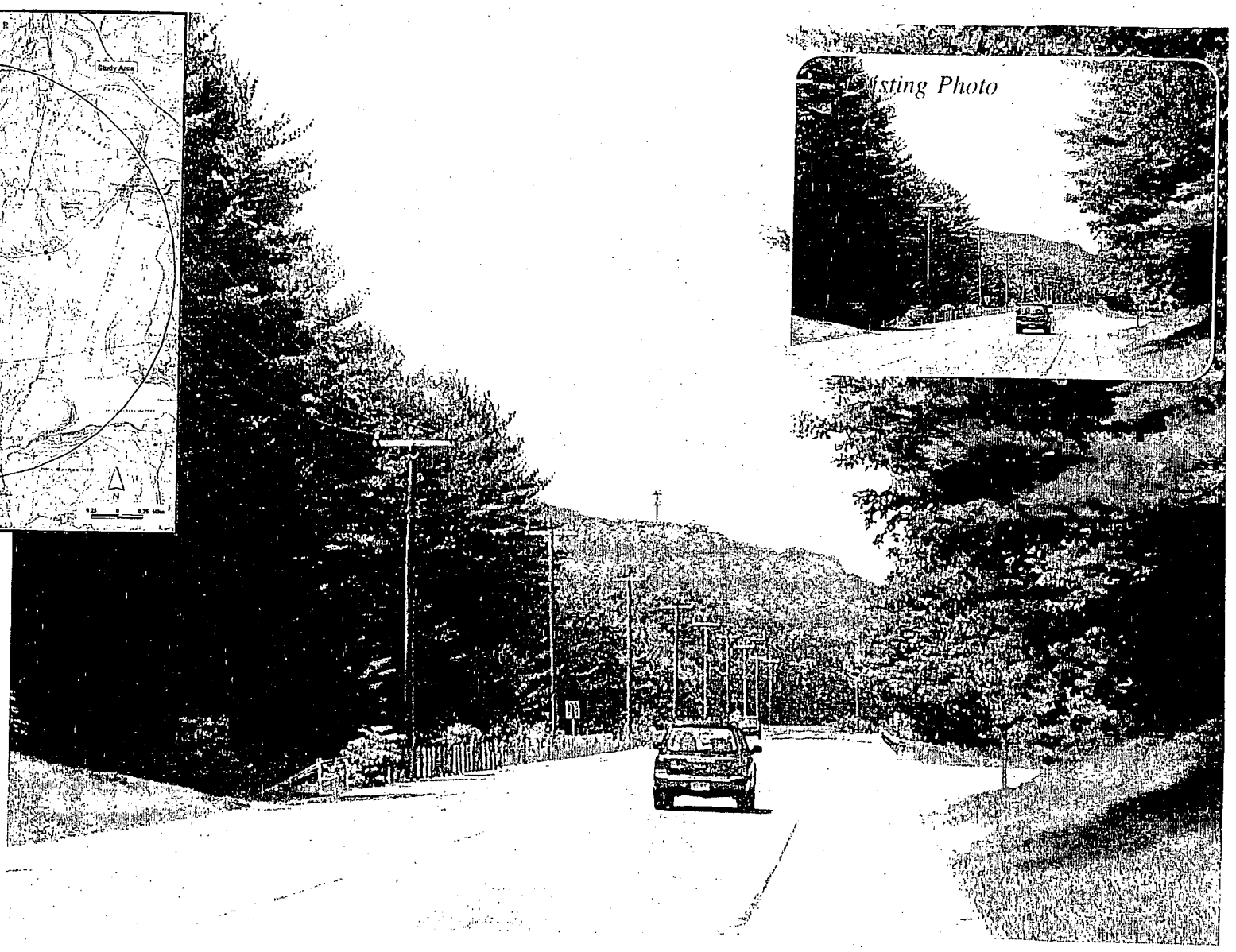


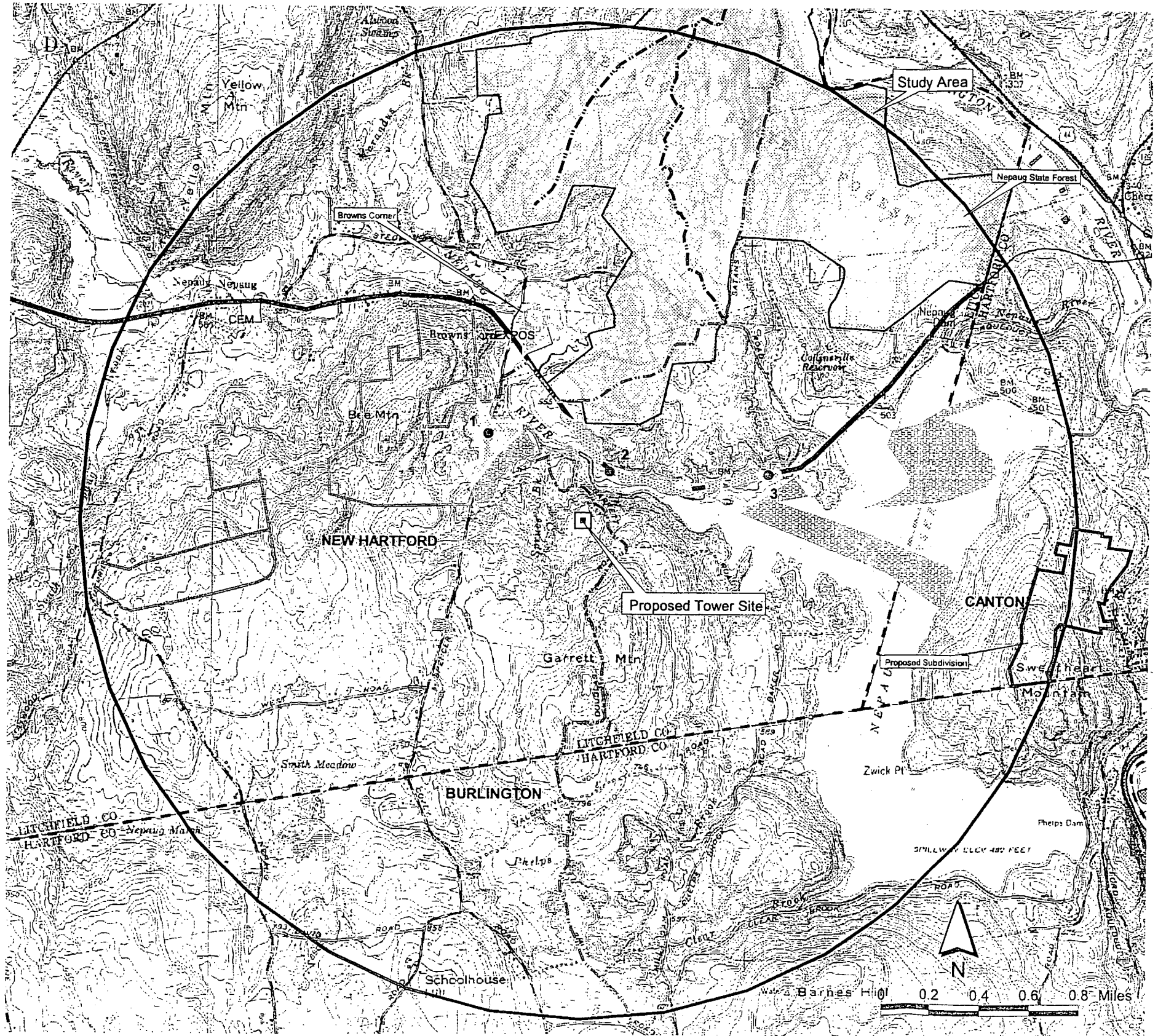
PHOTO TAKEN FROM ROUTE 202, LOOKING SOUTHWEST

DISTANCE FROM THE PHOTOGRAPH LOCATION TO THE PROPOSED SITE IS 0.77 MILE +/-

Viewshed Map

Proposed Tower Extension from 150 feet to 160 feet

Town of
New Hartford
Connecticut



Proposed Tower Extension
170 Southeast Road
New Hartford, Connecticut

NOTE:
Viewshed analysis conducted using ESRI's ArcView Spatial Analyst.
Viewshed results updated according to field investigations.
Proposed tower extension height is 160 feet.
Forest cover calculated at height of 75 feet.

DATA SOURCES for viewshed analysis:
- 7.5 minute digital elevation model (DEM) at 30 meter resolution produced by USGS, 1982
- New Hartford Open Space Parcel digitized based on information provided by the Town of New Hartford
- Forested areas derived from 1990 digital orthophotos with 1 meter pixel resolution - digitized by VHB, 2002
- Base map comprised of Collinsville and Torrington USGS Quadrangle Maps.
- Coordinates of proposed site: Lat.41 49 02.12 Long. 72 58 15.39
- Protected properties data layer provided CTDEP, July 2001
-Scenic Roads derived from State and Local listings

Map Completed September, 2003

LEGEND

- Proposed Tower Location (Includes area of visibility approximately 500 feet around facility)

Photopoint Locations - June 7, 2002

- Balloon visible above trees
- Anticipated seasonal visibility
- Year-round visibility (approximately 116 acres)
- Scenic Roads (Local and/or State designated)
- Tunxis Trail (CT Blue Blaze)
- Tipping Rock Trail (Nepaug State Forest)
- Valley Outlook Trail (Nepaug Trail)
- DEP Boat Ramps

Protected Properties (Municipal)

- Cemetery (CEM)
- Conservation (CONS)
- Existing Preserved Open Space (EXPOS)
- General Recreation (GR)
- Preservation (P)
- Recreation (REC)
- School (SCH)
- Uncategorized (UN)
- Proposed Open Space (Town of New Hartford)

- Protected Properties (Federal)

Protected Properties (DEP)

- State Forest (SF)
- State Park (SP)
- State Park Scenic Reserve (SPSR)
- State Park Trail (SPT)
- Natural Area Preserve (NAP)
- Wildlife Area (W)
- Wildlife Sanctuary (WS)
- Historic Preserve (HP)
- Flood Control (FC)
- Fish Hatchery (FH)
- DEP Owned Waterbody (DEPWB)
- Water Access (WA)
- Other (O)

- Town Line

Vanasse Hangen Brustlin, Inc.
54 Tuttle Place
Middletown. CT 06457

verizon

\\clmiddet\projects\40433\sites\CT33XC271\graphics\visuals\verizon_vismap.pdf

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
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E-Mail: siting.council@po.state.ct.us
Web Site: www.ct.gov/csc

March 9, 2004

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
185 Asylum Street, CityPlace I
Hartford, CT 06103-3402

RE: **DOCKET NO. 251** - Sprint Spectrum, L.P. d/b/a Sprint PCS Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Attorney Regan:

At a public meeting of the Connecticut Siting Council held on March 4, 2004, the Connecticut Siting Council (Council) considered and approved the Development and Management (D&M) Plan submitted for this project on February 25, 2004.

This approval applies only to the D&M Plan submitted on February 25, 2004. Any changes to the D&M Plan require advance Council notification and approval.

Any deviation from this format may result in the Council implementing enforcement proceedings pursuant to General Statutes § 16-50u including, without limitation, imposition of expenses resulting from such failure and of civil penalties in an amount not less than one thousand dollars per day for each day of construction or operation in material violation.

Enclosed is a copy of the staff report on this D&M Plan, dated March 4, 2004.

Thank you for your attention and cooperation.

Very truly yours,

Pamela B. Katz

Pamela B. Katz, P.E.
Chairman

PBK/laf

Enclosure: Staff Report, dated March 4, 2004

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@po.state.ct.us
Web Site: www.ct.gov/csc

Docket No. 251
Sprint Spectrum L.P.
170 Southeast Road, New Hartford, Connecticut

Development and Management Plan
Staff Report
March 4, 2004

On November 18, 2003, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need to Sprint Spectrum, L.P. d/b/a Sprint PCS (Sprint) for the construction, maintenance, and operation of a 150-foot wireless telecommunications facility at 175 Southeast Road, New Hartford, Connecticut. Subsequent to the Council's approval, Cellco Partnership d/b/a as Verizon Wireless (Cellco) petitioned the Council to extend the height of the approved monopole from 150 feet to 160 feet. The Council approved the petition (Petition 649) on February 4, 2004.

As required in the Council's Decision and Order, Sprint submitted a Development and Management Plan for this facility on February 25, 2004. The plan incorporates the modifications proposed by Cellco.

Consistent with the Council's Decision and Order and Cellco's approved petition, Sprint will construct a 160-foot monopole, designed to support six levels of antennas, at the site. Cellco would install 12 panel antennas on a platform with a centerline height of 160 feet. Sprint would install a platform with 12 panel antennas at a centerline height of 150 feet. AT&T would install 12 panel antennas on a platform with a centerline height of 140 feet. A 7-foot high lightning rod would be installed at the top of the tower.

Sprint will construct a 65-foot by 75-foot tower compound within a 100-foot by 100-foot lease area at the base of the tower. Sprint and AT&T both intend to install equipment cabinets on a concrete pad within the compound. A six-foot high chain link fence topped with barbed wire would enclose the graveled compound.

Access to the site would be from a 12-foot wide, 2,650-foot long gravel road extending from Southeast Road. The road will cross Spruce Brook using a 29-foot long bridge. The road includes an area of substantial grading east of Spruce Brook that will require approximately 2,600 cubic yards of fill to obtain a 12% grade. To reduce erosion, finished slopes in this area will be mulched and seeded. Stabilization blankets will also be used as necessary. The amount of initial tree clearing in this area will be minimized and evergreens will be planted to provide further stabilization.

Consistent with the Council's D&O, the cumulative worst-case radio frequency power density level at the base of the tower during operation of Sprint, Cellco, and AT&T antennas at the site would be 12.8% of the applicable ANSI standard.

All of the D&M requirements set forth in the Council's Decision & Order for Docket 251 are substantially in compliance; therefore Council staff recommends approval with the following condition: the removal of all erosion and sedimentation controls within 30-days of site stabilization, following consultation with Council staff. .

CSC
CONNECTICUT SITING COUNCIL

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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July 28, 2006

Thomas J. Regan, Esquire
Brown Rudnick Berlack Israels LLP
CityPlace I, 38th Floor
185 Asylum Street
Hartford, CT 06103-3402

RE: **DOCKET NO. 314** - Bay Communications, LLC application for the recertification of a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Attorney Regan:

By its Decision and Order dated July 27, 2006, the Connecticut Siting Council (Council) reissued (originally Docket No. 251) a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

S. Derek Phelps
Executive Director

SDP/RDM/laf

Enclosures (4)

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
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www.ct.gov/csc

July 28, 2006

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 314** - Bay Communications, LLC application for the recertification of a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

By its Decision and Order dated July 27, 2006, the Connecticut Siting Council reissued (originally Docket No. 251) a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/RDM/laf

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
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E-Mail: siting.council@ct.gov
www.ct.gov/csc

CERTIFICATE

OF

ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

DOCKET NO. 314

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby reissues a Certificate of Environmental Compatibility and Public Need to Bay Communications, LLC for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on July 27, 2006.

By order of the Council,

Colin C. Tait, Chairman

July 27, 2006

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 314** - Bay Communications, LLC application for the recertification of a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut, and voted as follows to recertify the proposed facility at 170 Southeast Road, New Hartford, Connecticut:

Council Members	Vote Cast
Colin C. Tait, Chairman	Yes
Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Yes
Commissioner Gina McCarthy Designee: Brian J. Emerick	Absent
Philip T. Ashton	Yes
Daniel P. Lynch, Jr.	Yes
James J. Murphy, Jr.	Absent
Dr. Barbara Currier Bell	Yes
Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, July 27, 2006.

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:

S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 314 has been forwarded by Certified First Class Return Receipt Requested mail on July 28, 2006, to all parties and intervenors of record as listed on the attached service list, dated April 28, 2006.

ATTEST:

Lisa A. Fontaine
Administrative Assistant
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Bay Communications, LLC	Thomas J. Regan, Esquire Brown Rudnick Berlack Israels LLP CityPlace I, 38th Floor 185 Asylum Street Hartford, CT 06103-3402 P: (860) 509-6522 F: (860) 509-6501 tregan@brownrudnick.com
Intervenor (approved 04/27/06)	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 P: (860) 275-8200 F: (860) 275-8299 kbaldwin@rc.com
Intervenor (approved 4/27/06)	Cingular Wireless PCS, LLC	Christopher B. Fisher, Esq. Cuddy & Feder LLP 90 Maple Avenue White Plains, NY 10601 P: (914) 761-1300 F: (914) 761-6405 cfisher@cuddyfeder.com

2350914

DOCKET NO. 314 - Bay Communications, LLC application for the recertification of a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.	}	Connecticut Siting Council July 27, 2006

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Bay Communications, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of Cellco Partnership, New Cingular Wireless PCS LLC, Sprint Spectrum L.P., and other entities, both public and private, but such tower shall not exceed a height of 160 feet above ground level. The height at the top of the antennas shall not exceed 163 feet above ground level.

2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of New Hartford and the Metropolitan District Commission for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:

    a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
    b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

3. Prior to submission of the D&M Plan to the Council, the Certificate Holder shall discuss appropriate soil erosion control measures, including paving of the access road, with the Metropolitan District Commission, to adequately protect the water quality of Spruce Brook.

4. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of electromagnetic radio frequency power density is submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

5. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.

6. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.

7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of New Hartford public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.

8. If the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.

9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.

10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

11. Any request for extension of the time periods referred to in Conditions 8, 9, & 10 shall be filed with the Council and shall be served on all parties and intervenors, as listed in the service list, and the Town of New Hartford. Any proposed modifications to this Decision and Order shall likewise be so served.

12. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in The Hartford Courant, The Register Citizen, and Waterbury Republican-American.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant	**Its Representative**
Bay Communications, LLC	Thomas J. Regan, Esquire Brown Rudnick Berlack Israels LLP CityPlace I, 38th Floor 185 Asylum Street Hartford, CT 06103-3402
Intervenor	**Its Representative**
Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597
Intervenor	**Its Representative**
New Cingular Wireless PCS, LLC	Christopher B. Fisher, Esq. Cuddy & Feder LLP 90 Maple Avenue White Plains, NY 10601

DOCKET NO. 314 - Bay Communications, LLC application for the recertification of a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.	}	Connecticut Siting Council July 27, 2006

Opinion

On March 13, 2006, Bay Communications, LLC (Bay) applied to the Connecticut Siting Council (Council) for the recertification of a wireless telecommunications facility originally approved at 170 Southeast Road, New Hartford, Connecticut. The Council previously approved a 150-foot monopole facility at the subject property on November 20, 2003. The Council approved a petition on February 3, 2004 to increase the height of the monopole to 160 feet. The Certificate expired before the facility was constructed. Bay proposes to construct a 160-foot monopole in the same location previously approved by the Council.

The Council has carefully analyzed the record in this proceeding including an evaluation of the coverage objectives of Sprint Spectrum L.P., Cellco Partnership, and New Cingular Wireless PCS LLC, existing facilities in the area, and alternative properties and structures. Based on the substantial gaps in existing coverage for all three telecommunications carriers and the lack of suitable existing structures, the Council finds a technical need for a new tower to serve Route 202.

The proposed tower site is located in the eastern portion of a 64-acre parcel approved for residential development. The tower would be located east of Spruce Brook, a tributary of the Nepaug Reservoir that traverses the central portion of the parcel in a south to north direction. The tower site is approximately 150 feet from the nearest property boundary. Although the tower site does not meet the Town's property line setback requirement of 225 feet, the Council believes the tower site is appropriate, since the abutting property is undeveloped watershed land owned by the Metropolitan District Commission (MDC).

A 160-foot monopole and an associated equipment compound would be constructed at the site. Access to the site would be from a 12-foot wide, 870-foot long gravel drive emanating from the end of a subdivision road immediately west of Spruce Brook. Bay would construct a 15-foot wide, 29-foot long bridge over the brook with bridge footings installed approximately 12 feet from the edge of the brook. Construction of the bridge would disturb approximately 126 square feet of riparian wetlands. The proposed brook crossing is located at the narrowest point of uplands on the Spruce Brook corridor.

Development of the road would require extensive grading immediately east of Spruce Brook. Bay would establish erosion controls in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (2002). Additionally, Bay would examine if paving the access road on the steep grade, as recommended by the MDC, would be beneficial in reducing erosion impacts to Spruce Brook. The Council will require Bay to consult with the MDC regarding erosion control measures prior to submission of the Development and Management Plan.

The visibility impact of the 160-foot monopole would be minimal, due to the relatively undeveloped nature of the surrounding area. Views of the tower within a half-mile of the site would be limited to three short sections of Route 202, a state designated scenic roadway north of the site, and 0.35 miles of Southeast Road. The council does not believe views from Route 202 are obtrusive due to the distance from the tower, area topography, and the presence of mature evergreen trees that minimize views from the road. Two residences would have year-round views of the upper portion of the tower in the Southeast Road area.

Radio frequency power density levels at the base of the proposed tower would be well below federal and state standards. If federal or state standards change, the Council will require that the facility be brought into compliance with such standards. The Council will require that the power densities be remodeled in the event other carriers locate at this facility.

Based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of a telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, we will issue a Certificate for the construction, operation, and maintenance of a 160-foot monopole telecommunications facility at the proposed site.

DOCKET NO. 314 - Bay Communications, LLC application for the recertification of a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.	}	Connecticut Siting Council July 27, 2006

Findings of Fact

Introduction

1. Bay Communications LLC (Bay), in accordance with the provisions of General Statutes §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on March 13, 2006 for the recertification of a wireless telecommunications facility originally approved at 170 Southeast Road, New Hartford, Connecticut. (Bay 1, p. 6)

2. On November 20, 2003, the Council approved an application (Docket 251) from Sprint Spectrum, L.P. d/b/a Sprint PCS (Sprint) to construct a 150-foot monopole facility at this location with the condition that the facility be constructed within one year. (Council Administrative Notice 12)

3. On February 3, 2004, the Council approved a petition (Petition 649) from Cellco Partnership d/b/a as Verizon Wireless (Cellco) to increase the height of the approved facility from 150 feet to 160 feet above ground level (agl). (Council Administrative Notice 13)

4. On March 4, 2004, the Council approved a Development and Management Plan for the approved 160-foot facility. (Council Administrative Notice 12)

5. On August 12, 2004, the Council approved a transfer of the Certificate of Environmental Compatibility and Public Need (Certificate) from Sprint to Bay Communications, LLC (Bay). While Bay and Sprint were finishing details of the transfer, the Certificate expired. (Council Administrative Notice 12; Transcript 1- 5/18/06, 6:30 p.m. [Tr. 1], p. 14)

6. Bay is a tower company based in Rhode Island that owns and operates 21 sites in Massachusetts, Connecticut, and Rhode Island. Bay owns two sites in Connecticut, one in Litchfield and one in Goshen. (Tr. 1, p. 13)

7. The party in this proceeding is the applicant. The intervenors in this proceeding are Cellco and New Cingular Wireless PCS, LLC (Cingular). (Transcript 1, p. 5)

8. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on May 18, 2006, beginning at 6:30 p.m. at the New Hartford Town Hall, 530 Main Street, New Hartford, Connecticut. (Council's Hearing Notice dated April 24, 2006; Tr. 1, p. 3)

9. The Council performed an inspection of the proposed site on May 18, 2006, beginning at 4:00 p.m. During the field inspection, the applicant flew a balloon at the proposed tower site to simulate the height of the facility. (Council's Hearing Notice dated April 24, 2006; Tr. 1, p. 33)

10. Public notice of the application was published in The Hartford Courant, The Waterbury Republican-American, and The Register Citizen on January 10, 2006 and January 12, 2006. (Bay 1, p. 6)

11. Pursuant to CGS § 16-50*l*(b) , abutting property owners received notice of the application by certified mail. All certified mail receipts were received except one, Jennifer Klinger at 207 Southeast Road. Bay sent a second mailing to Ms. Klinger by first class mail. (Bay 1, p. 7)

12. The Council received written notice from the Metropolitan District Commission (MDC), an entity that owns the Nepaug Reservoir, a public water supply reservoir east of the site. (Specific comment is provided in Finding 39). (Record)

State Agency Comment

13. Pursuant to General Statutes § 16-50j (h), on April 24, 2006 and May 19, 2006, the following state agencies were solicited to submit written comments regarding the proposed facility: Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)

14. The DPH provided written comment to the Council on May 4, 2006. (Specific comment is provided in Finding 40). (Record)

15. The following state agencies did not comment on the application: DEP, CEQ, DPUC, OPM, DOT, and the DECD. (Record)

Municipal Consultation

16. On October 12, 2005, Bay representatives met with William Baxter, First Selectman for the Town of New Hartford, to discuss recertification of the facility. The Town did not conduct a public hearing of Bay's recertification process. Bay representatives met with the Inland Wetlands Commission to explain the recertification process and modifications to the access road. The Inland Wetlands Commission did not comment on the proposal. (Bay 1, p. 8)

17. Sprint would allow free use of the tower for any local authority or emergency response system, provided such installation is consistent with the structural integrity of the tower. (Council Administrative Notice 12; Tr. 1, pp. 27-28)

Public Need for Service

18. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice 7)

19. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. (Council Administrative Notice 7)

20. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice 7)

21. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers based on the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with Federal Communications Commission's (FCC) regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice 7)

Site Selection

22. Prior to selecting the proposed site, Sprint considered 13 other sites to provide coverage to the Route 202 corridor between existing Sprint facilities in New Hartford and Canton. The sites consisted of electric transmission structures, farm silos, a private radio tower and a church steeple. All of the sites were rejected due to inadequate coverage to the target service area. (Council Administrative Notice 12)

23. The search ring consists of an oval area, 0.5 miles at its widest, located south of Route 202 and north of an area of high elevation known as Garret Mountain. Two property owners are located within the search ring, Paul Miano and the MDC. (Council Administrative Notice 12)

24. The proposed tower site is located in the northeast portion of the 64-acre Miano property. The site is located east of Spruce Brook, a tributary of the Nepaug River that drains into the Nepaug Reservoir. The site is within the search ring established for the target service area. Areas of the Miano property west of Spruce Brook are not within the search ring and would not meet coverage objectives on Route 202. (Council Administrative Notice 12)

25. The MDC would not consider the placement of a telecommunications tower on their watershed property. (Council Administrative Notice 12)

26. Town regulations present a ranked system of three siting classes based on property ownership and distance to adjacent residences and schools with Class 1 being most preferred, as follows:

Class 1	locations within municipal or state property a minimum distance of 1,500 feet from residences or schools.
Class 2	locations within municipal or state property a minimum distance of 750 feet from residences or schools.
Class 3	locations within municipal or privately owned land a minimum distance of 750 feet from residences or schools.

The selected site is located in a Class 3 area. Class 1 or Class 2 siting options are not within the search ring. (Council Administrative Notice 12)

Site Description

27. The Miano property is a 64-acre parcel undergoing subdivision development. The town approved the subdivision including a new road that will terminate at a cul-de-sac just west of Spruce Brook. No development would occur on the parcel east of Spruce Brook. (Bay 1, pp. 7-10; Bay 2, Q. 6; Bay 2, Q. 5; Tr. 1, pp. 14-15, 18)

28. The immediate area surrounding the site consists of rolling hills ranging in elevation from 500 feet above mean sea level (amsl) to 1,000 feet amsl. Forest cover in the area consists of mixed deciduous hardwoods with an average height of 75 feet. (Council Administrative Notice 12)

29. Bay proposes to construct a 160-foot monopole within a 100-foot-by-100-foot lease area on the portion of the Miano property east of Spruce Brook. (Bay 1, p. 7, Attachment 8)

30. The nearest abutting property, owned by the MDC, is 150 feet north of the tower site. The nearest existing residence is approximately 1,753 feet southwest of the site. (Council Administrative Notice 12)

31. Cellco would install 12 panel antennas on a platform at a centerline height of 160 feet agl. Sprint would install 12 panel antennas on a platform at a centerline height of 150 feet agl. Cingular would install six panel antennas on a platform at a centerline height of 140 feet. The overall height of the facility with antennas would be 163 agl. (Bay 1, p. 8; Cellco 1, Q. 3; Cingular 1, Q. 3; Tr. 1, p. 35)

32. A 65-foot by 75-foot compound would be constructed at the base of the tower. Sprint would install equipment cabinets within the compound. Cingular and Cellco would each install an equipment shelter within the compound. (Bay 1, p. 7; Bay 2, Q. 8; Cingular 1, Q. 6; Cellco 1, Q. 6)

33. Access to the site would be from a 12-foot wide, 870-foot long gravel road of new construction extending from the end of the approved subdivision road. (Bay 2, Q. 8)

34. The proposed road would cross Spruce Brook using a 15-foot wide, 29-foot long open bottom bridge with bridge footings installed approximately 12 feet from the edge of the brook. The proposed crossing is located at the narrowest point of uplands on the Spruce Brook corridor. Access to the site would be controlled by a gate to be installed on the west end of the bridge. (Council Administrative Notice 12, Bay 2, Q. 8; Tr. 1, pp. 19-20)

35. The access road east of Spruce Brook would require approximately 2,600 cubic yards of fill to obtain a 12% grade. (Council Administrative Notice 13)

36. Aboveground utilities would be installed from the end of the subdivision road along the new access road. This would require the installation of six new utility poles along the access road. The subdivision would be serviced by underground utilities. (Bay 2, Q. 8; Tr. 2, pp. 23-24)

Environmental Considerations

37. Development of the site, including all areas of grading east of Spruce Brook, would require the removal of approximately 65 trees with a diameter six inches or greater at breast height. Dominant trees in the development area include eastern hemlock, white pine, and red and black oak. (Council Administrative Notice 12; Bay 2, Q. 7; Tr. 1, pp. 21-22)

38. Disturbed areas, particularly the grading area east of Spruce Brook, would be mulched and seeded. Stabilization blankets would be used to reduce erosion. The amount of tree clearing adjacent to work areas would be minimized. Evergreens would be planted in the grading area to provide further stabilization. (Council Administrative Notice 12; Bay 2, Q. 8; Tr. 1, pp. 21-22)

39. The MDC recommended paving the 12% grade of the access road to reduce possible erosion. Bay would be willing to pave this section of road and examine ways to prevent accelerated runoff from the paved surface from affecting areas adjacent to the bridge. (Council Administrative Notice 14; Tr. 1, pp. 25-26)

40. The CT DPH is concerned about erosion of the steep slope area east of the brook that could lead to degradation of water quality in the brook. The CT DPH recommends best management practices to reduce the potential for erosion and to prevent the discharge of construction-related pollutants into the watershed. (CT DPH comments of April 27. 2006)

41. Approximately 126 square feet of wetlands adjacent to Spruce Brook would be impacted by construction of the bridge. The bridge design would not affect the brook channel. (Council Administrative Notice 12)

42. The proposed facility would have no effect upon historic or archaeological resources. (Council Administrative Notice 12)

43. The Bald Eagle *(Haliaeetus leucocephalus)*, a federally threatened and state endangered species, occurs in the site area, specifically using the shoreline of the Nepaug Reservoir as habitat. The nearest shoreline is approximately 1,900 feet east of the site. The proposed tower would have no effect on resident eagles. (Council Administrative Notice 12)

44. Aircraft hazard obstruction marking or lighting of the proposed tower would not be required. (Bay 2, Q. 2)

45. The maximum power density of radio frequency emissions from the operation of Cingular's, Sprint's and Cellco's antennas would be 16.4% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Council Administrative Notice 12; Cingular 1, Q. 7; Cellco 1, Q. 7)

Visibility

46. Anticipated visibility of the proposed tower is depicted on Figure 1. (Cellco 2)

47. The proposed tower would be visible year-round from 0.25 miles of Southeast Road, approximately 0.5 miles west of the site. Two residences are located in this area. An additional four residences on Southeast Road would have seasonal views. (Council Administrative Notice 12; Cellco 2)

48. The proposed tower would be visible from two homes in a residentially developed section of Stedman Road, approximately 1.1 miles north of the site. (Council Administrative Notice 13; Cellco 2)

49. The upper portion of the proposed tower would be visible year-round from three separate locations along Route 202 ranging in length from 0.1 miles to 0.3 miles. Route 202 is approximately 0.25 miles north of the site at its nearest point. Route 202 in this area of New Hartford is a state-designated scenic road. (Cellco 2)

50. The proposed tower would be visible from Browns Corner Park, a Town park containing ballfields located approximately 0.7 miles north of the site. (Council Administrative Notice 12; Cellco 2)

51. The proposed tower would not be visible from the Tunxis Trail, a public hiking trail maintained by the Connecticut Forest and Park Association (CFPA). The nearest portion of the Tunxis Trail to the tower site is approximately 230 feet to the east. Forest cover exists between the proposed site and the trail. (Council Administrative Notice 12; Cellco 2)

52. The proposed tower would be seasonally visible from the Rome Spare Outlook approximately 1.3 miles north of the site. The outlook is a prominent viewpoint on the Valley Outlook Trail, a trail maintained by the CFPA in the Nepaug State Forest. (Council Administrative Notice 13; Cellco 2)

53. The proposed tower would not be visible from Indian Hills Drive, a residential street approximately 0.5 miles south of the site, or from County Lane and Freedom Drive, residential streets approximately two miles east of the site. The tower would also not be visible from the proposed Sweetheart Mountain subdivision, approximately two miles east of the site. (Council Administrative Notice 12, Council Administrative Notice 13; Tr. 1 ,pp. 32-33; 57-59)

54. The tower would be visible from a clearing within preserved open space along Southeast Road approximately 0.4 miles northwest of the site. The open space parcel is not open to the public. (Council Administrative Notice 12)

Cellco – Existing and Proposed Wireless Coverage

55. Cellco operates at a minimum signal level threshold of -85 dBm and in the 1900 MHz frequency band. Cellco is licensed to provide only PCS service in Litchfield County, Connecticut and will offer only PCS service at the proposed site. (Cellco 1, Q. 2)

56. Cellco has identified a 2.2-mile gap on Route 202 in New Hartford between existing Cellco facilities in New Hartford and Canton (refer to Figure 2). (Cellco 1, Q. 4)

57. Installing antennas at 160 feet agl would provide Cellco with approximately 2.0 miles of coverage on Route 202. Continuous coverage would be attained between the proposed site and the adjacent Canton site to the east (refer to Figure 3). An approximate 0.2-mile coverage gap would remain between the proposed site and the adjacent New Hartford site to the west. (Council Administrative Notice 12; Cellco 1, Q. 5)

Sprint - Existing and Proposed Wireless Coverage

58. Sprint operates at a minimum signal level threshold of -94 dBm and in the 1900 MHz frequency band. (Council Administrative Notice 12)

59. Sprint has identified a 2.0-mile gap in coverage on Route 202 between existing Sprint facilities in New Hartford and Canton (refer to Figure 4). (Council Administrative Notice 12)

60. Sprint is requesting a minimum antenna height of 150 feet agl. Installing antennas at 150 feet agl would provide coverage to 1.9 miles of the identified gap. A 0.1-mile gap in coverage would still occur where Route 202 crosses the northern extension of the Nepaug Reservoir on a causeway (refer to Figure 5). A signal level of -96 dBm is expected in the gap area, which could result in dropped calls during high call traffic periods. Sprint would install a repeater in this area if necessary. (Council Administrative Notice 12)

Cingular - Existing and Proposed Wireless Coverage

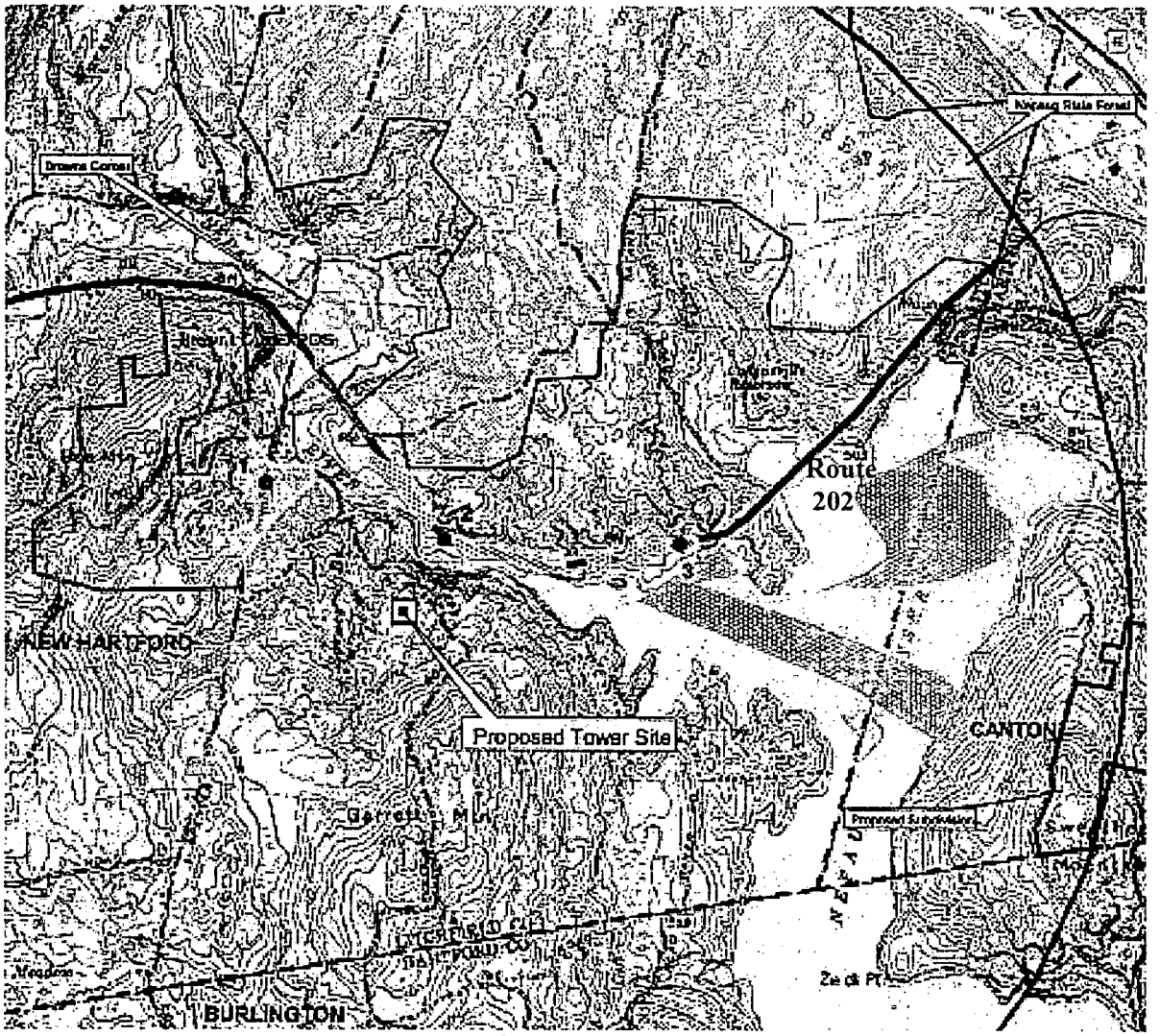
61. Cingular's service design operates at a minimum signal level threshold of -85 dBm, sufficient for in-vehicle coverage. Cingular is licensed to operate in the 800 MHz and 1900 MHz frequency bands. (Cingular 1, Q. 1; Q. 2)

62. Cingular plans to install 800 MHz and 1900 MHz equipment at this site. (Cingular 1, Q. 2)

63. A 2.5 mile gap in coverage, defined as <-95 dBm at a frequency of 1900 MHz, exists on Route 202 between Cingular facilities east and west of the site (refer to Figure 6). (Cingular 1, Q. 4)

64. Installing 800/1900 MHz dual band antennas at 140 feet agl at the proposed site would provide continuous coverage on Route 202 between existing Cingular facilities east and west of the site (refer to Figure 7. (Cingular 1, Q. 5)

FIGURE 1
VISIBILITY OF PROPOSED 160-FOOT TOWER



LEGEND

- Proposed Tower Location (Includes area of visibility approximately 500 feet around facility)

Photopoint Locations - June 7, 2002

- Balloon visible above trees
- Anticipated seasonal visibility
- Year-round visibility (approximately 118 acres)
- Scenic Roads (Local and/or State designated)
- Tunxis Trail (CT Blue Blaze)
- Tipping Rock Trail (Nepaug State Forest)
- Valley Outlook Trail (Nepaug Trail)

FIGURE 2
CELLCO – EXISTING COVERAGE

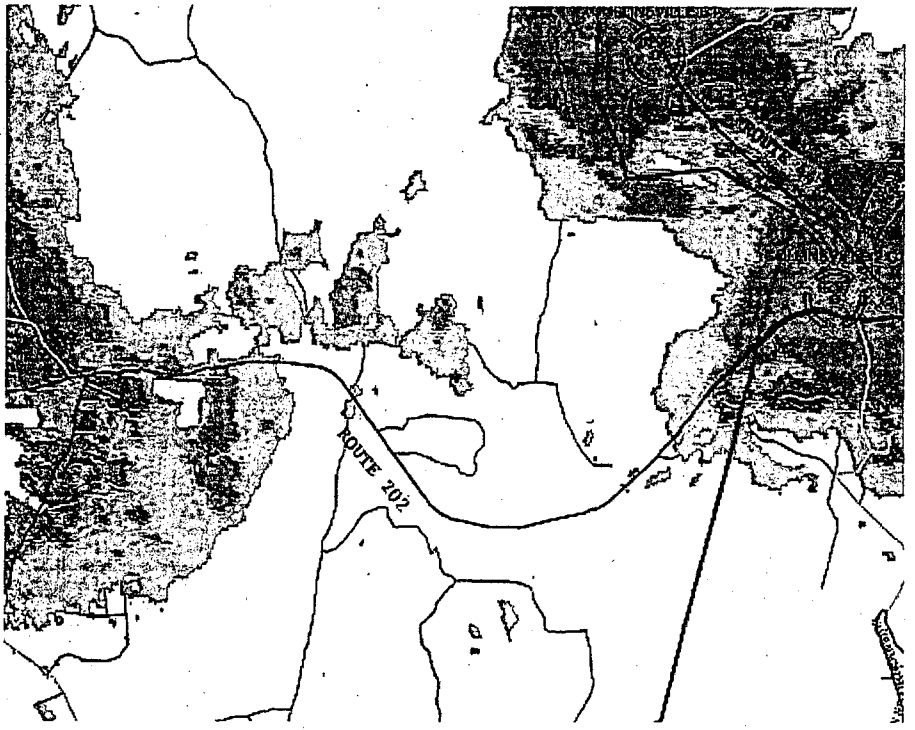
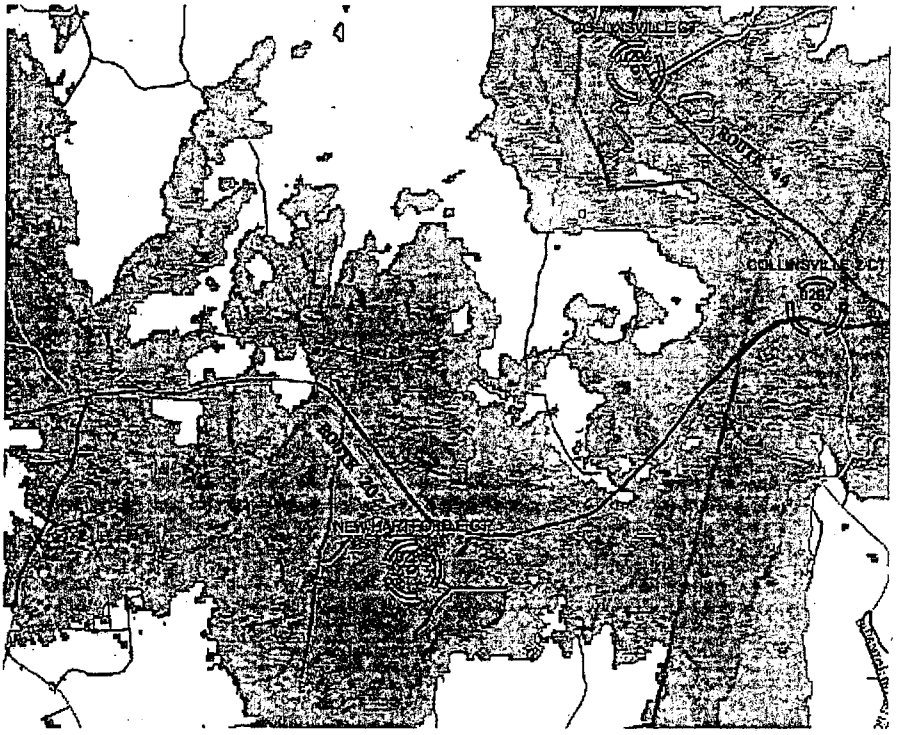


FIGURE 3
CELLCO – EXISTING AND PROPOSED COVERAGE



Green designation: - 76 dBm to - 85 dBm
Orange designation: - 75 dBm

FIGURE 4
SPRINT – EXISTING COVERAGE

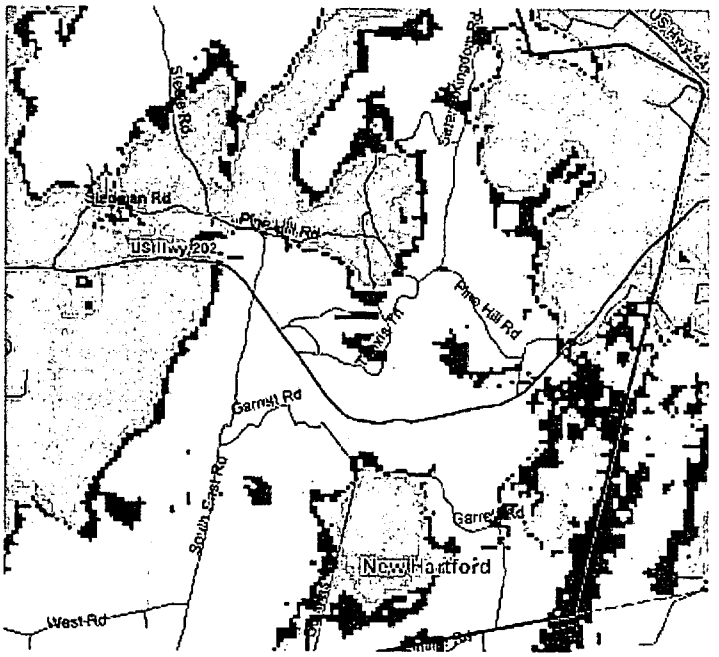


FIGURE 5
SPRINT – EXISTING AND PROPOSED COVERAGE

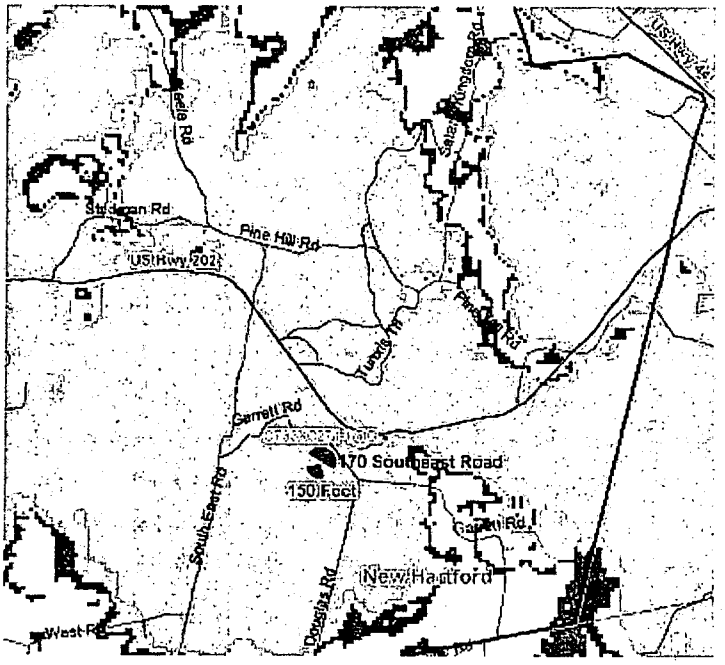


FIGURE 6
CINGULAR – EXISTING 1900 MHz COVERAGE

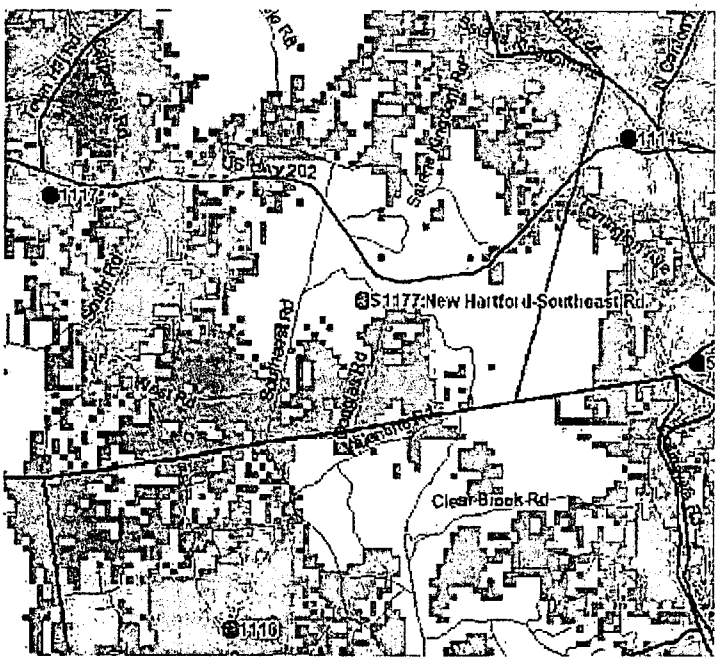
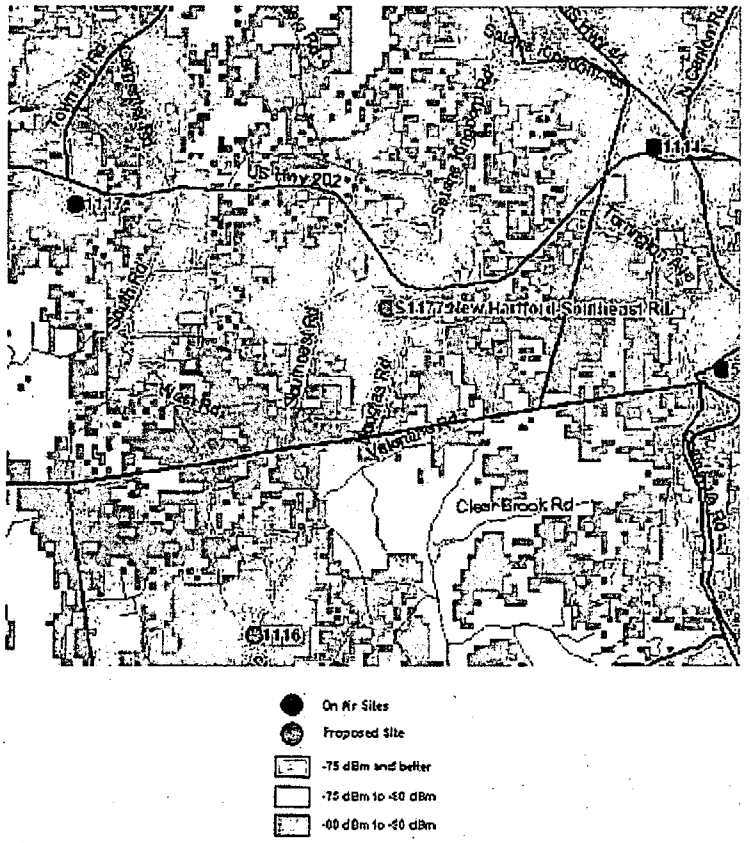


FIGURE 7
CINGULAR – EXISTING AND PROPOSED 1900 MHz COVERAGE



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Daniel F. Caruso
Chairman

December 18, 2006

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
185 Asylum Street, CityPlace I
Hartford, CT 06103-3402

RE: **DOCKET NO. 314** - Bay Communications, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Attorney Regan:

At a public meeting of the Connecticut Siting Council held on December 12, 2006, the Connecticut Siting Council (Council) considered and approved the Development and Management (D&M) Plan submitted for this project on December 7, 2006 with the following conditions:

1) Bay address items one through three in the MDC's letter dated December 11, 2006,
2) Bay submit a written construction schedule to the Council, MDC, DPH Drinking Water Division, and Town of New Hartford Inland Wetlands official prior to the commencement of any site work, and
3) Bay retain an environmental inspector in consultation with the MDC and DPH and approved by the Council.

This approval applies only to the D&M Plan submitted on December 7, 2006. Any changes to the D&M Plan require advance Council notification and approval.

Please be advised that deviations from this plan are enforceable under the provisions of the Connecticut General Statutes § 16-50u. Enclosed is a copy of the staff report on this D&M Plan, dated January 12, 2004.

Thank you for your attention and cooperation.

Very truly yours,

Daniel F. Caruso
Chairman

DFC/RDM/laf

Enclosure: Staff Report, dated Decenber 12, 2006
MDC letter dated December 11, 2006

c: Parties and Intervenors
William Baxter, First Selectman, Town of New Hartford
Karl Nielsen, Planning and Zoning Commission, Town of New Hartford
Carol E. Youell, Natural Resources Administrator, MDC

Docket No. 314
Bay Communications, LLC
170 Southeast Road, New Hartford, Connecticut

Development and Management Plan
Staff Report
December 12, 2006

On July 27, 2006, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need to Bay Communications LLC for the construction, maintenance, and operation of a 160-foot wireless telecommunications facility located at 175 Southeast Road, New Hartford, Connecticut. The site is located on a 64-acre parcel adjacent to watershed land owned by the Metropolitan District Commission (MDC). The parcel is currently being developed as a subdivision.

As required in the Council's Decision and Order, Bay Communications submitted a Development and Management Plan for the facility on October 24, 2006. The MDC submitted comments to the Council on November 13, 2006, requesting additional measures to protect the water quality of Spruce Brook, a tributary of the Nepaug Reservoir that will be crossed by the tower site access road. In response to the MDC's concerns, Bay Communications submitted a revised D&M Plan to the Council on December 7, 2006 that addresses the issues raised by the MDC. Additional comments from the MDC were submitted to the Council on December 11, 2006.

Consistent with the Council's Decision and Order, Bay will construct a 160-foot monopole, designed to support six antenna platforms with a ten-foot vertical separation. Cellco would install 12 panel antennas on a platform with a centerline height of 160 feet. Sprint would install a platform with 12 panel antennas at a centerline height of 150 feet. Cingular would install 12 panel antennas on a platform with a centerline height of 140 feet. A 7-foot high lightning rod would be installed at the top of the tower.

Sprint will construct a 65-foot by 75-foot tower compound within a 100-foot by 100-foot lease area at the base of the tower. Sprint would install equipment cabinets on a concrete pad within the compound. Cingular and Verizon would each install an equipment shelter within the compound. A seven-foot high chain link and barbed wire fence would enclose the gravel surface compound.

Access to the site would be from a 12-foot wide, 870-foot long gravel road extending from a cul-de-sac currently under development. The tower access road will cross Spruce Brook using a 29-foot long bridge. The road includes an area of substantial grading east of Spruce Brook that will require approximately 2,600 cubic yards of fill to obtain a 12% grade. To reduce erosion, finished slopes in this area will be mulched and seeded. Stabilization blankets will also be used as necessary. The amount of initial tree clearing in this area will be minimized to the greatest extent possible and evergreens will be planted to provide further stabilization.

Consistent with the Council's D&O, the cumulative worst-case radio frequency power density level at the base of the tower during operation of Sprint, Cellco, and Cingular antennas at the site would be 16.4% of the applicable ANSI standard.

All of the D&M requirements set forth in the Council's Decision & Order for Docket 314 are substantially in compliance; therefore Council staff recommends approval with the following conditions: 1) Bay address items one through three in the MDC's letter dated December 11, 2006, 2) Bay submit a written construction schedule to the Council, MDC, DPH Drinking Water Division, and Town of New Hartford Inland Wetlands official prior to the commencement of any site work, and 3) Bay retain an environmental inspector in consultation with the MDC and DPH and approved by the Council.

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Daniel F. Caruso
Chairman

January 25, 2008

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
CityPlaceI, 185 Asylum Street
Hartford, CT 06103

RE: **DOCKET NO. 314** - Bay Communications, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Attorney Regan:

On January 24, 2008 the Connecticut Siting Council (Council) considered and approved your request for an extension of time, dated January 4, 2008, until April 30, 2008, to complete the construction of this project.

Sincerely,

Daniel F. Caruso
Chairman

DFC/RDM/laf

c: Parties and Intervenors
The Honorable Earl Russell Macinnes, First Selectman, Town of New Hartford
Karl Nilsen, Zoning Enforcement Officer, Town of New Hartford

April 28, 2006

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Bay Communications, LLC	Thomas J. Regan, Esquire Brown Rudnick Berlack Israels LLP CityPlace I, 38th Floor 185 Asylum Street Hartford, CT 06103-3402 P: (860) 509-6522 F: (860) 509-6501 tregan@brownrudnick.com
Intervenor (approved 04/27/06)	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 P: (860) 275-8200 F: (860) 275-8299 kbaldwin@rc.com
Intervenor (approved 4/27/06)	Cingular Wireless PCS, LLC	Christopher B. Fisher, Esq. Cuddy & Feder LLP 90 Maple Avenue White Plains, NY 10601 P: (914) 761-1300 F: (914) 761-6405 cfisher@cuddyfeder.com

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Daniel F. Caruso
Chairman

April 25, 2008

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
CityPlaceI, 185 Asylum Street
Hartford, CT 06103

RE: **DOCKET NO. 314** - Bay Communications, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Attorney Regan:

On April 24, 2008 the Connecticut Siting Council (Council) considered and approved your request for an extension of time, until September 30, 2008, to complete construction of this project.

Sincerely,

Daniel F. Caruso
Chairman

DFC/RDM/laf

c: Parties and Intervenors
The Honorable Earl Russell Macinnes, First Selectman, Town of New Hartford
Karl Nilsen, Zoning Enforcement Officer, Town of New Hartford

April 28, 2006

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Bay Communications, LLC	Thomas J. Regan, Esquire Brown Rudnick Berlack Israels LLP CityPlace I, 38th Floor 185 Asylum Street Hartford, CT 06103-3402 P: (860) 509-6522 F: (860) 509-6501 tregan@brownrudnick.com
Intervenor (approved 04/27/06)	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 P: (860) 275-8200 F: (860) 275-8299 kbaldwin@rc.com
Intervenor (approved 4/27/06)	Cingular Wireless PCS, LLC	Christopher B. Fisher, Esq. Cuddy & Feder LLP 90 Maple Avenue White Plains, NY 10601 P: (914) 761-1300 F: (914) 761-6405 cfisher@cuddyfeder.com

SITING COUNCIL APPLICATION GUIDE

Revised to June 23, 2004

INSTRUCTIONS FOR NOTICE

1. Please publish the following notice in a 2 column bordered format in the legal advertising section on: **THURSDAY, JANUARY 29, 2009 AND TUESDAY, FEBRUARY 3, 2009.**

2. The notice must be published in at least **10 point, boldface type.**

3. **PLEASE FAX OR E-MAIL TO MY ATTENTION A COPY OF THE PROPOSED NOTICE PRIOR TO PUBLICATION.**

4. AFTER PUBLICATION, PLEASE FORWARD AN AFFIDAVIT OF PUBLICATION TO MY ATTENTION.

5. Please reference on the invoice for these publications: 23509/16.

LEGAL NOTICE

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Interested parties and residents are invited to review the re-certification Application at the Siting Council's Offices, 10 Franklin Square, New Britain or at the New Hartford Town Clerk's Office, 530 Main Street. Any questions may be directed to: Thomas J. Regan, Esq. at Brown Rudnick LLP, CityPlace I, 185 Asylum Street, Hartford, Connecticut 06103, Telephone 860.509.6500 or the Siting Council at 860.827.2935.

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The Hartford Courant.
A TRIBUNE PUBLISHING COMPANY

Affidavit of Publication

State of Connecticut

Tuesday, February 03, 2009

County of Hartford

I, Joy Shroyer, do solemnly swear that I am Financial Operations Assistant of the Hartford Courant, printed and published daily, in the state of Connecticut and that from my own personal knowledge and reference to the files of said publication the advertisement of Public Notice was inserted in the regular edition.

On dates as follows: 01/29/2009
02/03/2009

In the amount of $310.90
BROWN RUDNICK FREED GESM
045197
ZONE 5

Financial Operations Assistant
Joy Shroyer

Subscribed and sworn to before me on February 3, 2009

William McDonald Notary Public

WILLIAM B. McDONALD
NOTARY PUBLIC, CONNECTICUT
MY COMMISSION EXPIRES FEB. 28, 2009

AFFIDAVIT OF PUBLICATION
The Register Citizen

State Of Connecticut
County of Litchfield

I, Rick DiLoreto, of Torrington, Connecticut, do solemnly swear that I am a Legal Advertising Representative for The Register Citizen, and that on the following date(s) 1/29/09 & 2/3/09 there was published in the regular daily edition of the said newspaper an advertisement, and that the newspaper extracts hereto annexed are printed from the above-named issues of the said newspaper.

Subscribed and sworn to this 18 day of February 2009 before me.

Notary Public

My Commission Expires
March 31, 2012

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Legal Notices

LEGALS

LEGAL NOTICE

NOTICE TO CREDITORS

ESTATE OF
Steven M. Richtarek,
AKA
Stephen M. Richtarek
(09-467894)

The Hon. Michael F. Magistrali, Judge of the Court of Probate, District of Torrington, by decree dated January 22, 2009, ordered that all claims must be presented to the fiduciary at the address below. Failure to promptly present any such claim may result in the loss of rights to recover on such claim.

Gale Pellegren, Clerk

The fiduciary is:

Franklin Ameden
c/o
Edward J .Kaczmarcyk, Esq.

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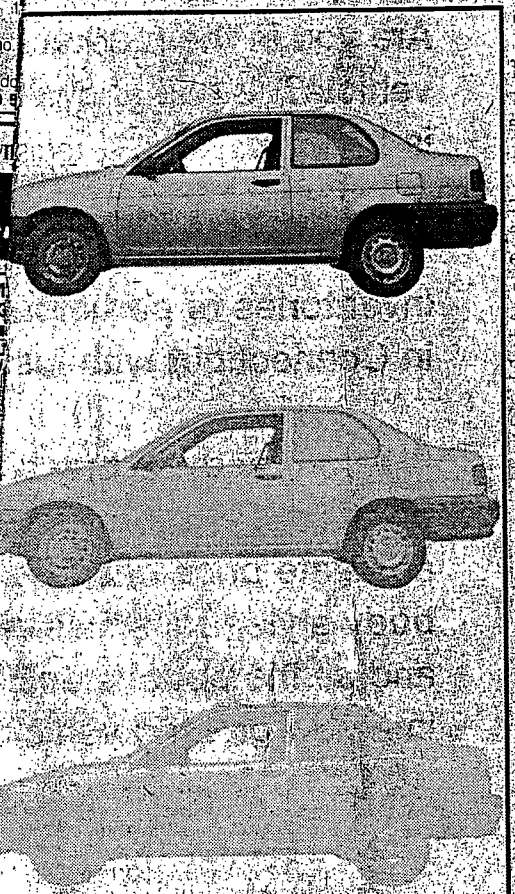

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STATE OF CONNECTICUT
County of New Haven Waterbury February 9, 20 09

The subcriber, being duly sworn, deposes and says that he (she) is the bookkeeper of the **Republican-American** and that the foregoing notice for

BROWN RUDNICK LLP

was published in said **Republican-American** in **2** editions of said newspaper issued between **01/29/09** and **02/03/09**

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01/29/09 & 02/03/09

Phyllis Palletta

SUBSCRIBED AND SWORN BEFORE ME THIS THE 9th

day of February 2009

Linda M. Post

Notary Public

My Commission Expires: 8/31/2012

ABUTTERS LIST

Southeast Road
34/12/6-1
Property Owner: Paul M. Miano

Map/Block/Lot

Paul M. Miano
53 Wolcott Hill Road
Wethersfield, CT 06109
34/12/6-1

Jennifer A. Klinger
65 Lincoln Road
Wellesley, MA 02481
34/9/27A

Salvatore DiFabio
196 Southeast Road
New Hartford, CT 06057
34/12/08-I

Steven J. Lepore
James P. Lepore
2 Pinehill Road
New Hartford, CT 06057
34/12/6-12

Marcia H. Potter
165 Southeast Road
New Hartford, CT 06057
34/9/28

Garrett Ridge Development LLC
10 Grace Avenue
Plainville, CT 06062
34/12/6-03

Peter J. Madden
201 Southeast Road
New Hartford, CT 06057
34/9/27B

THOMAS J. REGAN
Direct Dial: (860) 509-6522
tregan@brownrudnick.com

BROWNRUDNICK

CityPlace I
185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

Certified Mail-
Return Receipt Requested

January 27, 2009

Paul M. Miano
53 Wolcott Hill Road
Wethersfield, CT 06109

RE: Notice to Abutting Landowners

Dear Mr. Miano:

On or about February 4, 2009, Bay Communications, LLC ("Bay") intends to file an application with the Connecticut Siting Council ("Siting Council") for re-certification of a 160-foot wireless telecommunications tower on Southeast Road in New Hartford. On July 27, 2006, the Siting Council issued a certificate of environmental compatibility and public need for a tower at this location. However, because the tower was not built within the deadline prescribed by the Siting Council, Bay must apply to the Siting Council to have the facility re-certified.

The facility is located on an un-numbered parcel (Map 34, Block 12, Lot 6) on Southeast Road (adjacent to 170 Southeast Road) owned by Paul Miano. Pursuant to Connecticut General Statutes §16-50*l*(b), you are being given notice of the filing of this application for re-certification because you own property which abuts the tower location. I have included a copy of the legal notice to be published in The Hartford Courant (Zone 5), The Waterbury Republican American and The Register Citizen on Thursday, January 29, 2009 and Tuesday, February 3, 2009.

A copy of Bay's application for re-certification will be on file at the New Hartford Town Hall (530 Main Street, [860.379.5037]) and the Siting Council (10 Franklin Square, New Britain, [860.827.2935]) for your review.

If you have any questions, please contact me at 860.509.6522.

Very truly yours,

BROWN RUDNICK LLP

By: _____
Thomas J. Regan

Enclosure
40255695 v1 023509/0016

THOMAS J. REGAN
Direct Dial: (860) 509-6522
tregan@brownrudnick.com

BROWNRUDNICK

CityPlace I
185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

Certified Mail-
Return Receipt Requested

January 27, 2009

Jennifer A. Klinger
65 Lincoln Road
Wellesley, MA 02481

RE: Notice to Abutting Landowners

Dear Ms. Klinger:

On or about February 4, 2009, Bay Communications, LLC ("Bay") intends to file an application with the Connecticut Siting Council ("Siting Council") for re-certification of a 160-foot wireless telecommunications tower on Southeast Road in New Hartford. On July 27, 2006, the Siting Council issued a certificate of environmental compatibility and public need for a tower at this location. However, because the tower was not built within the deadline prescribed by the Siting Council, Bay must apply to the Siting Council to have the facility re-certified.

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40255695 v1 023509/0016

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BROWNRUDNICK

CityPlace I
185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

Certified Mail-
Return Receipt Requested

January 27, 2009

Salvatore DiFabio
196 Southeast Road
New Hartford, CT 06057

RE: Notice to Abutting Landowners

Dear Mr. DiFabio:

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By: _____
Thomas J. Regan

Enclosure
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tregan@brownrudnick.com

BROWNRUDNICK
CityPlace I
185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

Certified Mail-
Return Receipt Requested

January 27, 2009

Steven J. Lepore
James P. Lepore
2 Pinehill Road
New Hartford, CT 06057

RE: Notice to Abutting Landowners

Dear Messrs. Lepore:

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BROWNRUDNICK

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185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

Certified Mail-
Return Receipt Requested

January 27, 2009

Marcia H. Potter
165 Southeast Road
New Hartford, CT 06057

RE: Notice to Abutting Landowners

Dear Ms. Potter:

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By: _____
Thomas J. Regan

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CityPlace I
185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

Certified Mail-
Return Receipt Requested

January 27, 2009

Garrett Ridge Development LLC
10 Grace Avenue
Plainville, CT 06062

RE: Notice to Abutting Landowners

Dear Sir or Madam:

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Direct Dial: (860) 509-6522
tregan@brownrudnick.com

BROWNRUDNICK

CityPlace I
185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

Certified Mail-
Return Receipt Requested

January 27, 2009

Peter J. Madden
201 Southeast Road
New Hartford, CT 06057

RE: Notice to Abutting Landowners

Dear Mr. Madden:

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By _____
Thomas J. Regan

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1. Article Addressed to:

Garrett Ridge Development LLC
10 Grace Avenue
Plainville, CT 06062

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A. Signature
X [signature] ☑ Agent ☐ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 2-2-09

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☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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1. Article Addressed to:

Marcia H. Potter
165 Southeast Road
New Hartford, CT 06057

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 2-18-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jennifer A. Klinger
65 Lincoln Road
Wellesley, MA 02481

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1820 0000 0478 1131

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Salvatore DiFabio
196 Southeast Road
New Hartford, CT 06057

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Mark Rule ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery: 1-28-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1820 0000 0478 1155

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Peter J. Madden
201 Southeast Road
New Hartford, CT 06057

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Mark Rule ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery: 1-28

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1820 0000 0478 1162

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Steven J. Lepore
James P. Lepore
2 Pinehill Road
New Hartford, CT 06057

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Mark Rule ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery: 1-28

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1820 0000 0478 1179

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paul M. Miano
53 Wolcott Hill Road
Wethersfield, CT 06109

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) [illegible] C. Date of Delivery 3/2/09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service la 7005 1820 0000 0478 1117

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PROOF OF SERVICE

This is to certify that on this 17th day March 2009, a copy of Bay Communications, LLC's Application for Re-Certification was sent via first class mail, postage prepaid, to the following:

AGENCY	*NAME/ADDRESS*
Chief Elected Official	Earl MacInnes, First Selectman Town of New Hartford P. O. Box 316 30 Town House Road New Hartford, CT 06057
Planning & Zoning Commission	James E. Steadman, Chairman Planning and Zoning Commission Town of New Hartford P. O. Box 316 30 Town House Road New Hartford, CT 06057
Land Use Coordinator	Karl Nilsen Planning and Zoning Commission Town of New Hartford P. O. Box 316 30 Town House Road New Hartford, CT 06057
Inland Wetlands Commission	Alden Ringklib, Chairman Inland Wetland Commission Town of New Hartford P. O. Box 316 New Hartford, CT 06057
Conservation Commission	Alden Ringklib, Chairman Conservation Commission Town of New Hartford P. O. Box 316 30 Town House Road New Hartford, CT 06057
State Representative (District #62)	Richard Ferrari The Connecticut House of Representatives 62nd District Legislative Office Building, Room 4200 Hartford, CT 06106-1591

AGENCY	*NAME/ADDRESS*
State Senate (District #8)	Kevin Witkos The State of Connecticut Senate 8th District Legislative Office Building, Room 3400 Hartford, CT 06106-1591
Connecticut Attorney General	Richard Blumenthal Attorney General 55 Elm Street Hartford, CT 06106
State Environmental Protection Agency	Gina McCarthy, Commissioner Department of Environmental Protection 79 Elm St., 3rd Floor Hartford, CT 06106
State Department of Public Health	Dr. J. Robert Galvin, Commissioner Department of Public Health 410 Capitol Avenue P. O. Box 340308 Hartford, CT 06134
State Department of Public Utility Control	Donald W. Downes, Chairman Department of Public Utility Control 10 Franklin Square New Britain, CT 06051
State Department of Economic & Community Development	Joan McDonald, Commissioner Department of Economic and Community Development 505 Hudson Street Hartford, CT 06106
State Council on Environmental Quality	Karl J. Wagener, Executive Director Council on Environmental Quality 79 Elm Street, 6th Floor Hartford, CT 06106
Office of Policy & Management	Robert L. Genuario, Secretary Office of Policy and Management 450 Capitol Avenue Hartford, CT 06106

AGENCY	*NAME/ADDRESS*
State Department of Transportation	Michael W. Lonergan, Acting Chief Engineer Connecticut Department of Transportation Bureau of Engineering & Highway Operations 2800 Berlin Turnpike P.O. Box 317546 Newington, CT 06131-7546
Federal Department of Transportation	Federal Aviation Administration New England Regional Office 12 New England Executive Park P. O. Box 150 Burlington, MA 01803
Connecticut Historic Preservation Council	Connecticut Historic Preservation Council 59 South Prospect Street Hartford, CT 06106
The Connecticut Trust for Historic Preservation	Mr. Jeffrey Muthersbaugh, Chairman 940 Whitney Avenue Hamden, CT 06517-4002
Regional Planning Agency	Mr. Richard Lynn – Regional Planner Litchfield Hills Council of Elected Officials 42 North Street /P.O. Box 187 Goshen, CT 06756
Any Federal Agencies with Jurisdiction Over the Site	None

By: Thomas J. Regan
Thomas J. Regan, Esq.

40256113 v1 - 023509/0016

URS

Kenneth J. Kemp, CET III

Senior Construction Inspector

Areas of Expertise

Construction Inspection

Years of Experience

With URS: 29 Years
With Other Firms: 0 Years

Education

BS / 1991 / Civil Engineering / University of New Haven

AS / 1975 / Civil Engineering / State University of New York at Alfred

Registration/Certification

1983 / Engineering Technician Level III / NICET

Professional Societies/Affiliates

American Society of Civil Engineers

Overview

Mr. Kemp has extensive experience as resident inspector on numerous construction projects, including pumping stations, treatment plants, site improvements, sanitary sewer and storm drainage projects, highways, and parking facilities. Responsibilities include verification of contractors' activities, accurate record collection and documentation, and project coordination. Mr. Kemp has also acted a project superintendent on a multi-million dollar construction management contract.

Project Specific Experience

Resident Engineer (URS), Stony Hill Sewers & Pump Stations, Bethel, Connecticut (2003-2006): Resident inspection of 100,000 feet of sanitary sewer, 5,000 feet of force main, and three submersible pump stations in the Stony Hill section of Bethel serving 1225 residences. Numerous presentations were made to the local Public Utilities Commission, neighborhood informational meetings, public information meetings, and public hearings. The Final Design utilized four separate construction contracts for maximum flexibility by the Town. Provided bid assistance, construction administration and resident inspection. The project required Inland Wetlands Permits, a significant number of temporary and permanent easements, and coordination with regional and state agencies. Coordinated easement acquisitions with the Town, homeowners, and Town Counsel. Attendance at monthly Public Utility Commission meetings was provided. Project cost: $20.0 million.

Reconstruction of Taxiways A, B, and D, Tweed New Haven Airport (URS), Connecticut: This $2.2 million project consisted of complete reconstruction of taxiways in accordance with FAA specifications, including total reclaiming of existing bituminous surfaces, subdrainage system, replacement of taxiway lighting, and airport beacon. Responsibilities included coordination with the Airport Manager, inspection of contractors' work in relation to project specifications, documentation, and record keeping.

Reconstruction of Taxiways A, B, and D (URS), Tweed New Haven Airport , Connecticut: This $0.9 million project consists of the rehabilitation of 1700 linear feet of taxiway, including relocation of the taxiway to provide safety area clearances, new base course and bituminous surface, drainage, replacement of taxiway lighting and signing. Responsibilities included coordination with the Airport Manager, inspection of contractors' work in relation to project specifications, documentation, preparation of record plans, and financial record keeping.

Construction Administrator / Resident Engineer (URS), Bethel Streetscape Project, Bethel, Connecticut: Administrated the construction of the Bethel Streetscape. Responsibilities included field

inspection and coordination with the Contractor, utilities and the State District Engineer, maintaining all records, according to Connecticut Department of Transportation format, and conducting project job meetings. The project included drainage and grading plans, roadway geometry modifications, pavement markings, street signage, traffic signal revisions, as well as new underground electrical connections.

Resident Inspector (URS), Portchester/Midland Avenue, Topics, New York: Responsible for street improvements, including drainage, asphalt paving, traffic improvement, concrete curbing, sidewalks, water mains, lighting, and landscaping.

Resident Inspector (URS), Chemung River Area Drainage, Elmira, New York: Responsible for the gravity pressure conduits and site improvements.

Resident Engineer (URS), Route 6 Sanitary Sewer, Bethel, Connecticut: Responsible for monitoring contractors' construction progress and conformance with the contract documents. The $1.5 million project involved installation of approximately two miles of sanitary sewers and force main along with two submersible sewage pumping stations (75-GPM and 105-GPM capacities). Complete restoration work was also included.

Construction Specialist (URS), South Perimeter Road, Central Connecticut State University, New Britain: Responsible for on-site resident inspection and construction administration services for the Connecticut Department of Public Works on a new 0.9-mile roadway through the southerly limits of Central Connecticut State University Campus as well as site improvements. Responsibilities included monitoring the contractor's progress and conformance with the contract documents as well as coordinating construction activities with the University, all utility companies, and the city of New Britain. Staged construction was required due to traffic constraints. Construction value: $2.8 million.

Resident Engineer (URS), Bethel Rail Station Access & Streetscape Enhancement, Bethel, Connecticut: Responsible for on-site inspection and construction administration services for Bethel Downtown Improvements. The $1.4 million dollar project included utility construction and major landscaping work consisting of new granite/concrete curbing, sidewalk pavers, and plantings.

Construction Administrator / Owner's representative (part time) (URS), University of Connecticut, Waterbury, Connecticut: Acting as liaison between the Owner for the $27 million University of Connecticut Waterbury Campus. Architect and Construction Manager, duties included the tracking and review of the project schedule, project budget (GMP), and coordination between Architect, Engineer, State Agencies,

Construction Manager and the University. Daily reports of the job activities were also generated as were project job meeting minutes.

Project Superintendent (URS), Rotella Magnet School, Waterbury, Connecticut: Responsible for project coordination and scheduling with seven separate contractors, day-to-day involvement in quality control, safety, scheduling of special inspections, and resolution of issues in Construction Management Contract for a new $21-million Arts Magnet School. Duties also included assistance to the project manager in drafting of change orders, review of progress payments, and coordination with the Owner, Architect and utilities. Record Keeping on a daily basis was also an integral part of these duties.

Project Coordinator & Construction Manager (URS), Verizon Wireless / Connecticut State Police Projects, Various Locations throughout Connecticut: Responsible for various Verizon Wireless projects involving Connecticut State Police sites. Duties included preparation of bid packages, scheduling with contractors and working with Engineering Team on development of construction documents. Project coordination with State Police representatives was also required.

Resident Engineer (URS), Sewer System Extensions, Portland, Connecticut: Responsible for the construction of wastewater collection system extensions. The scope of this $1.8 million project included 5,000 feet of gravity sewer, 1,700 feet of force main and a pump station.

Resident Inspector (URS), East Hampton Sewer Project, East Hampton, Connecticut: Responsible for monitoring the contractor's progress in conformance with contract documents for the construction of 14 sewage pumping stations.

Resident Inspector (URS), Wastewater Treatment Plant, East Hampton, Connecticut: Responsible for monitoring the contractor's progress and conformance with contract documents for the construction of an 8-MGD sewage treatment plant. Inspection of all construction disciplines was involved.

Resident Inspector (URS), Government Center Project, New Haven, Connecticut: Responsible for the two-level underground parking garage with a cut-and-cover access road that will support proposed high-rise development. Project included massive concrete mass slab foundations, underpinning, and deep well dewatering systems.

Resident Engineer (URS), Higby Road Reconstruction, Middletown, Connecticut: Responsible for on-site inspection and construction administration services for the reconstruction of this existing 4,950-foot roadway, in accordance with Connecticut Department of Transportation specifications. The $1.1 million dollar project also included new road drainage and a detention pond for storm water management.

URS

Contractor's Office Engineer (URS), Sewage Treatment Plant, Wellsville, New York: Responsible for coordination of shop drawings and records.

Resident Inspector (URS), Centertown Garage & Mall, Elmira, New York: Responsible for monitoring the contractor's progress and conformance with contract documents while reporting to the chief resident engineer for the construction of a 750-car parking garage. Project involved deck and framing systems comprising post-tensioned reinforced concrete.

Resident Inspector (URS), Public Works Garage, Oxford, Connecticut: Responsible for monitoring the contractor's construction progress and conformance with the contract documents. Project involved inspection of all construction disciplines.

Chief Resident Representative (URS), Mattabassett Wastewater Treatment Plant, Connecticut: Responsible for inspection staff activities involved in the construction of the 80-MGD secondary facilities addition and plant upgrade. Responsible for monitoring contractors' construction progress and conformance with the contract documents. Project involved inspection of all construction disciplines.

Resident Inspector (URS), New Haven Union Station, New Haven, Connecticut: Responsible for monitoring contractors' construction progress and conformance with the contract documents. This $20 million project involved major renovations to the existing building as well as new pile-supported platform construction and connecting access tunnels. Inspection of all construction disciplines was involved.

Field Inspector (URS), Connecticut Department of Transportation List 7 Bridge Program: Assisted in bridge inspection team responsible for assessment of the condition of 50 State bridges and preparation of evaluation reports.

Construction Administrator (URS), Connecticut Telecommunications System, Statewide, Phase 1A & 2B: Construction Administrator for the Connecticut Department of Public Works' statewide, 30-site, $9 million project to upgrade State Police communications sites. The project consisted of the inspection of 19 free standing (60'- 180') lattice towers with varying types of foundations; construction of concrete and masonry shelter structures; with related mechanical, electrical, architectural, and site work. Responsibilities included administration of inspection and testing activities and coordination between engineer, owner, agency, and the contractor. Mr. Kemp was also required to monitor the contractor's performance; maintain all job records; and process payment requisitions, work orders, and construction documents.

URS

Bacon Academy Renovations (URS), Colchester, Connecticut: Project consisted of modifications to the high school to comply with handicapped access code requirements, including a new elevator system with related interior and exterior renovations as well as mechanical and electrical work. Duties included coordination with school personnel, inspection of contractors' work in relation to project specifications, and record keeping.

URS

John M. Brogden, LEP

Project Manager

Areas of Expertise

Environmental Investigations

Years of Experience

With URS: 8 Years
With Other Firms: 10 Years

Education

BS / 1989 / Geology / University of Rhode Island

Registrations

2006 / Licensed Environmental Professional, Connecticut

Professional Societies/Affiliates

Environmental Professionals' Organization of Connecticut

Overview

Mr. Brogden's experience includes coordinating, directing and conducting various types of environmental, hydrogeologic and Connecticut Property Transfer Act (PTA) investigations. His project management experience includes managing small to midsize investigations at private residences, municipal facilities, industrial and manufacturing facilities, utility facilities and educational facilities in Connecticut, Massachusetts, and Rhode Island. Mr. Brogden also has extensive experience in conducting and directing environmental fieldwork. Mr. Brogden has further experience in preparing and conducting Solid Waste Disposal Area closure projects. Currently Mr. Brogden is engaged in the management of several ongoing PTA investigations, assessment and review of site investigations for several developers, conductance of site investigations for developers, overseeing remediation projects for several developers and preparation of ASTM and PTA Environmental Site Assessments reports.

Project Specific Experience

Project Manager (URS), Connecticut Property Transfer Act Investigation, Plasma Coating Facility, East Windsor, CT (2007 - Ongoing): Project Manager for this Property Transfer Act Investigation. Conducted Phase I ESA activities and prepared Environmental Condition Assessment form for transfer of site. Directed the conductance of a Phase II and Phase III investigation of site in conjunction with LEP of record. Responsible for the daily activities of the PTA investigation and reporting activities. Assisted client with negotiations with the former property owner, former property owner's environmental consultant and legal counsel, and the Connecticut Department of Environmental Protection (CT DEP). Currently providing client with on-going PTA consulting/LEP services including development and implementation of a scope of work for continued investigation activities, Groundwater monitoring civilities and reporting.

Project Manager (URS), Sheldon Oak Group, LLC, Hartford, CT (2006 - Ongoing): Responsible for conducting environmental investigation of a former residential neighborhood in preparation for remediation and development with residential housing. Project included the completion of a Phase II ESA and preparation of a Solid Waste Disposal Area (SWDA) closure application. Phase II identified limits of ash material and contaminated soil that will require removal or remediation in conjunction with development. Work identified area of, and demonstrated that, clean fill material was available on site assisting client with development strategies. Phase II allowed for demonstration that site is compliant with CT DEP Remediation Standard Regulations (RSRs) and can be developed for residential purposes with no hazard to residents. Conducted oversight of contractor remediating site via relocation of contaminated soil and capping of contaminated soil and

solid waste with clean fill, buildings and pavement structures. Directed SWDA closure groundwater monitoring activities and preparation of an Environmental Land Use Restriction and SWDA closure report. Project Cost: $200,000.

Project Manager (URS), Connecticut Property Transfer Act Phase I, Phase II, and Phase III Investigations, Former Manufacturing Facility, New Haven, CT (2004 - 2007): Directed the Connecticut Property Transfer Act investigation of an approximate 15-acre former manufacturing facility in the Westville section of New Haven in preparation for development as residential housing. The investigation was conducted at an accelerated pace with all three investigations completed with in a few months. The investigation included several weeks of fieldwork including installation of 70 soil borings and several rounds of delineation borings and identified 20+ release areas from the former manufacturing and contaminants requiring remediation. Achieved compliance with the Remediation Standard Regulations without off-site soil disposal of contaminated soil. Developed, implemented and conducted a Remedial Action Plan detailing tasks to render soil as inaccessible through relocation of contaminated soil to other areas of the site. Worked with client and building contractor to achieve completion of investigation in time frame required to keep proposed construction schedule. Project Cost: $300,000.

Field Data Collection & Data Analysis (URS), Breakthrough Magnet School, Hartford, Connecticut (2004-2006): Provided Field Data Collection and Data Analysis for the environmental investigation of a property in preparation for the development of the parcel as a regional magnet school. The property is location in an urban setting and formerly contained a residential housing complex and currently met the definition of an inactive landfill due to previous dumping of material on the property. The investigation was conducted in a multifaceted approach and determined proposed uses and/or disposal options of excess soil generated by the site development. Project Cost: $25.0 million.

Project Manager (URS), Connecticut Property Transfer Act Phase II and Phase III Investigation, Paperboard Manufacturing Facility, Newtown, CT (2001 - Ongoing): Project manager for, and directed the Connecticut Property Transfer Act investigation of an approximate 25-acre paperboard manufacturing facility in Newtown, CT. The investigation consisted of assessment of previous consultants work and identification of data gaps in the previous work followed by the development of work plans and the implementation of several rounds of field work. The Phase II and Phase III investigation identified twenty Areas of Concern and completely delineated the fifteen identified release areas. This investigation also included the preparation and submission to the Connecticut Department of Environmental Protection (CT DEP) of an Alternative Means of Demonstrating Compliance and an Environmental Land Use Restriction (ELUR) that will allow for leaving contaminated soil in place rather than the usually required remediation

and remediation of soil and groundwater. The investigation was accomplished while working with the facility personnel to minimally interrupt the facility operations and with full review and acceptance of the proposed work by the current property owner's consultant. Project Cost: $100,000.

Project Manager (URS), Connecticut Property Transfer Act Phase II and Phase III Investigation, former Manufacturing Facility, Orange, CT (2001 - Ongoing): Project manager for, and directed the Connecticut Property Transfer Act investigation of an approximate 8-acre former aerospace product manufacturing facility in Orange, CT. The investigation consisted of assuming project management and investigation oversight duties and conducting several phases of a Phase II and Phase III investigation of approximately twenty Areas of Concern at this Site. The investigation delineated ten identified release areas. This project also included the preparation of a Phase III Site Assessment Report, preparation of PTA Forms and an Environmental Condition Assessment Form (ECAF) for a recent transfer of the Site, and guidance of the PTA process to the client. Currently, ongoing groundwater monitoring is being conducted to comply with the Connecticut Remediation Standard Regulations. A Property Transfer Act Verification is currently being prepared. Project Cost: $100,000.

Project Manager (URS), Phase II & III Transfer Act Site Investigation, Manufacturing Facility, Bridgeport, Connecticut (2003 - 2004): Supervised the conductance of a Transfer Act investigation of a medium-sized metal parts manufacturing facility. Investigation conducted over the course of two years included four rounds of soil boring investigations and compliance groundwater monitoring. The investigation included the identification and evaluation of soil and groundwater quality in twenty areas of concern. Releases identified in ten areas of concern were delineated with multiple rounds of soil delineation borings. In most of the areas of concern remediation was avoided. Compliance with the State of Connecticut Remediation Standard Regulations will be achieved through application of an Environmental Land Use Restriction to the property and soil remediation. The investigation will be completed earlier than the time frame specified by the State regulations. Project Cost: $100,000.

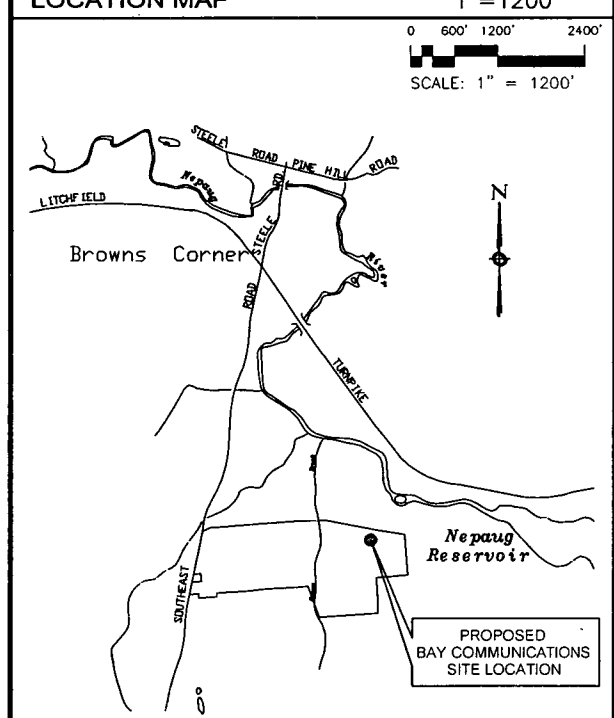
Project Manager (URS), Phase I ESA Former Lift Truck Dealership, Lisbon, Connecticut (2002): Conducted ASTM Phase I ESA for a regional lift truck manufacturer and distributor. Project Cost: $2,500.

Project Geologist (URS), Residual Pesticide Investigation, North Haven, Connecticut (2001): Directed oversight of pesticide contaminated soil excavation from former pesticide manufacturing location. Excavated over 900 tons of contaminated soil, directed confirmatory soil sampling of excavation, restoration and closure report. Project Cost: $30,000.

Project Geologist (URS), Phase II Subsurface Investigation, Waterbury, Connecticut (2001): Supervised implementation of Phase II investigation of button manufacturing facility. Investigation included installation of soil borings, soil sampling, installation of temporary groundwater monitoring wells and groundwater sampling. Prepared Phase II report summarizing data and recommendations for additional investigations. Currently acting as LEP of record for continued groundwater monitoring activities. Recently completed assessment of impacted soil in vicinity of an electrical transformer at the site. Also, assisting client with compliance with EPA RCRA program. Project Cost: $100,000.

JEFFERSONVILLE 3
170 SOUTHEAST RD.
NEW HARTFORD, CONNECTICUT 06057

LOCATION MAP 1"=1200'



ZONING TABLE

ZONING DISTRICT: R-2 (RESIDENTIAL)

ITEM	REQ'D	PROVIDED
MINIMUM LOT AREA (ACRES)	2	64±
MAXIMUM HEIGHT OF STRUCTURE (FT.)	35'	N/A
MINIMUM FRONT YARD SETBACK	100'	2401.37±
MINIMUM SIDE YARD SETBACK	50'	152',493'±
MINIMUM REAR YARD SETBACK	50'	426'±
MAXIMUM TOWER HEIGHT	N/A	160'
TOWER FALL ZONE	160'	160'
TOP OF TOWER/ TOP OF ANTENNA	160'	N/A

PROJECT DESCRIPTION

PROPOSED INSTALLATION OF AN UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF ANTENNAS MOUNTED ON A PROPOSED 160' MONOPOLE WITH GROUNDED MOUNTED EQUIPMENT.

DRIVING DIRECTIONS

TAKE ROUTE 91 TOWARDS HARTFORD AND GET ONTO 84 WEST. TAKE 84 WEST TO 44 WEST (ALBANY AVE EXIT) THEN TAKE ROUTE 44 TO 202 INTO NEW HARTFORD. WHEN YOU SEE THE SCENIC ROAD SIGN THE TURN IS 3 MILES DOWN THE ROAD PASSED THE RESERVOIR. TAKE A LEFT ONTO SOUTHEAST ROAD AND FOLLOW THAT UP PAST 136 SOUTHEAST ROAD ON THE LEFT. THERE WILL BE A LITTLE DIRT DRIVEWAY THAT LEADS TO 2 ACCESS ROADS. THE ONE TO THE LEFT IS TO MDC PROPERTY. THE OTHER ACCESS IS PAUL MIANO PROPERTY.

GENERAL NOTES

1. ADA COMPLIANCE: FACILITY IS NOT STAFFED AND NOT NORMALLY OCCUPIED.
2. FOR EXISTING PROPERTY LINE AND TOPOGRAPHIC DATA, SEE MAP ENTITLED "PARTIAL BOUNDARY AND TOPOGRAPHIC SURVEY, LAND OF PAUL M. MIANO, 170 SOUTHEAST ROAD, NEW HARTFORD, CONNECTICUT. PREPARED FOR SPRINT PCS BY URS, DATED FEBRUARY 2001.

LEGAL DESCRIPTION

SITE NAME:	JEFFERSONVILLE 3
PROPERTY OWNER:	PAUL M. MIANO LYONS RD. BURLINGTON, CONNECTICUT 06013
SITE ADDRESS:	170 SOUTHEAST RD. NEW HARTFORD, CONNECTICUT 06057

PROJECT DIRECTORY

APPLICANT:	BAY COMMUNICATIONS 20 WESTMINSTER STREET PROVIDENCE, RI 02903
ENGINEER:	URS CORPORATION AES 500 ENTERPRISE DRIVE ROCKY HILL, CT 06067 (860) 529-8882
LAND SURVEYOR:	URS CORPORATION AES 500 ENTERPRISE DRIVE ROCKY HILL, CT 06067 (860) 529-8882

SHEET INDEX

URS CORPORATION AES
500 ENTERPRISE DRIVE
ROCKY HILL, CONNECTICUT
1-(860)-529-8882

BAY COMMUNICATIONS
20 WESTMINSTER STREET
PROVIDENCE, RHODE ISLAND 02903

JEFFERSONVILLE 3
170 SOUTHEAST RD.
NEW HARTFORD, CONNECTICUT 06057

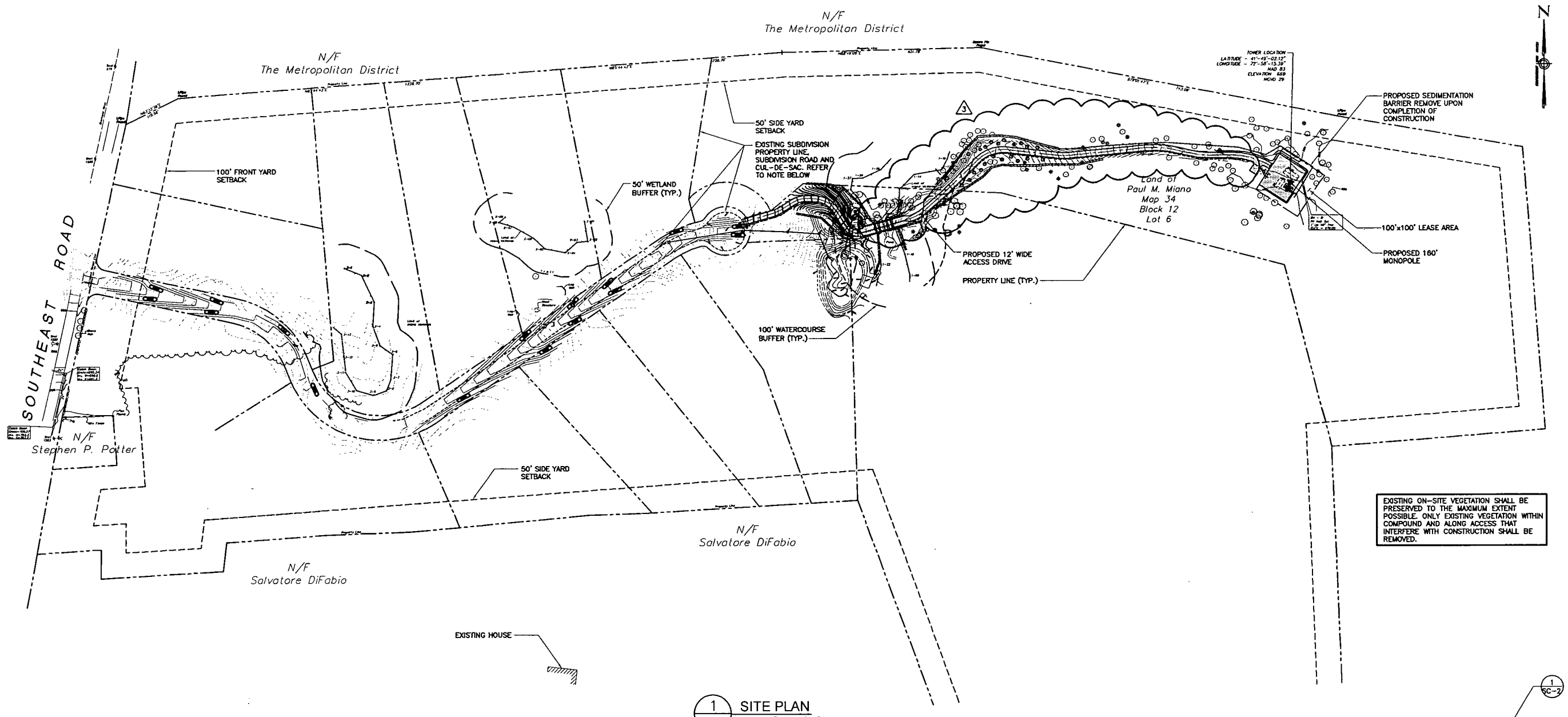
NO.	DATE	REVISIONS	BY	CHK	APP'D
4	02/06/06	ISSUED FOR SITING COUNCIL APPROVAL	PJS		DJR
3	05/09/06	ISSUED FOR WETLANDS APPROVAL	PJS		DJR
2	10/21/05	ISSUED FOR WETLANDS APPROVAL	PJS		DJR
1	09/19/05	ISSUED FOR REVIEW	PJS		DJR

SCALE: AS NOTED | DESIGNED PJS | DRAWN MJM

BAY COMMUNICATIONS

TITLE SHEET

JOB NO.	DRAWING NUMBER	REV
36928208/BAY004	T-1	3



EXISTING ON-SITE VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT POSSIBLE. ONLY EXISTING VEGETATION WITHIN COMPOUND AND ALONG ACCESS THAT INTERFERE WITH CONSTRUCTION SHALL BE REMOVED.

1 SC-1 SITE PLAN
SCALE: 1" = 100'-0"

100 50 0 100 200 300
GRAPHIC SCALE 1"= 100'

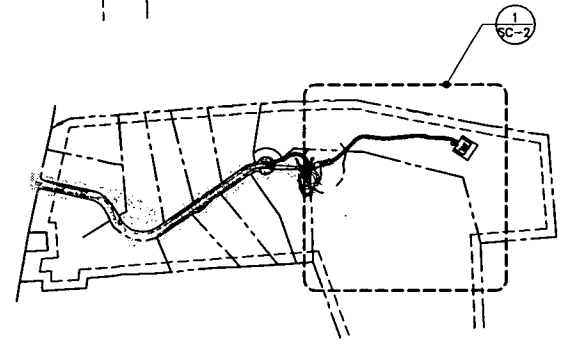
3

REV. 3 CHANGES:

THE GRADE OF THE ACCESS DRIVE EAST OF THE STREAM CROSSING HAS BEEN CHANGED FROM 12% TO 8%.

THE ALIGNMENT OF THE ACCESS DRIVE HAS BEEN SLIGHTLY ADJUSTED EAST OF THE STREAM CROSSING AS TO LESSEN THE AMOUNT OF WETLANDS BUFFER IMPACT.

NOTE:
THIS SITE PLAN IS PARTIALLY BASED ON THE SUBDIVISION AND SUBDIVISION DRIVEWAY PLANS AS DESIGNED BY HARRY R. COLE & SON PROFESSIONAL LAND SURVEYORS & CONSULTING ENGINEERS AND APPROVED BY THE TOWN OF NEW HARTFORD PLANNING AND ZONING COMMISSION. THE SUBDIVISION PROPERTIES AND SUBDIVISION ROAD ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. ACTUAL AS-BUILT CONDITIONS MAY VARY.



MAP KEY

URS CORPORATION AES
500 ENTERPRISE DRIVE
ROCKY HILL, CONNECTICUT
1-(860)-529-8882

BAY COMMUNICATIONS
20 WESTMINSTER STREET
PROVIDENCE, RHODE ISLAND 02903

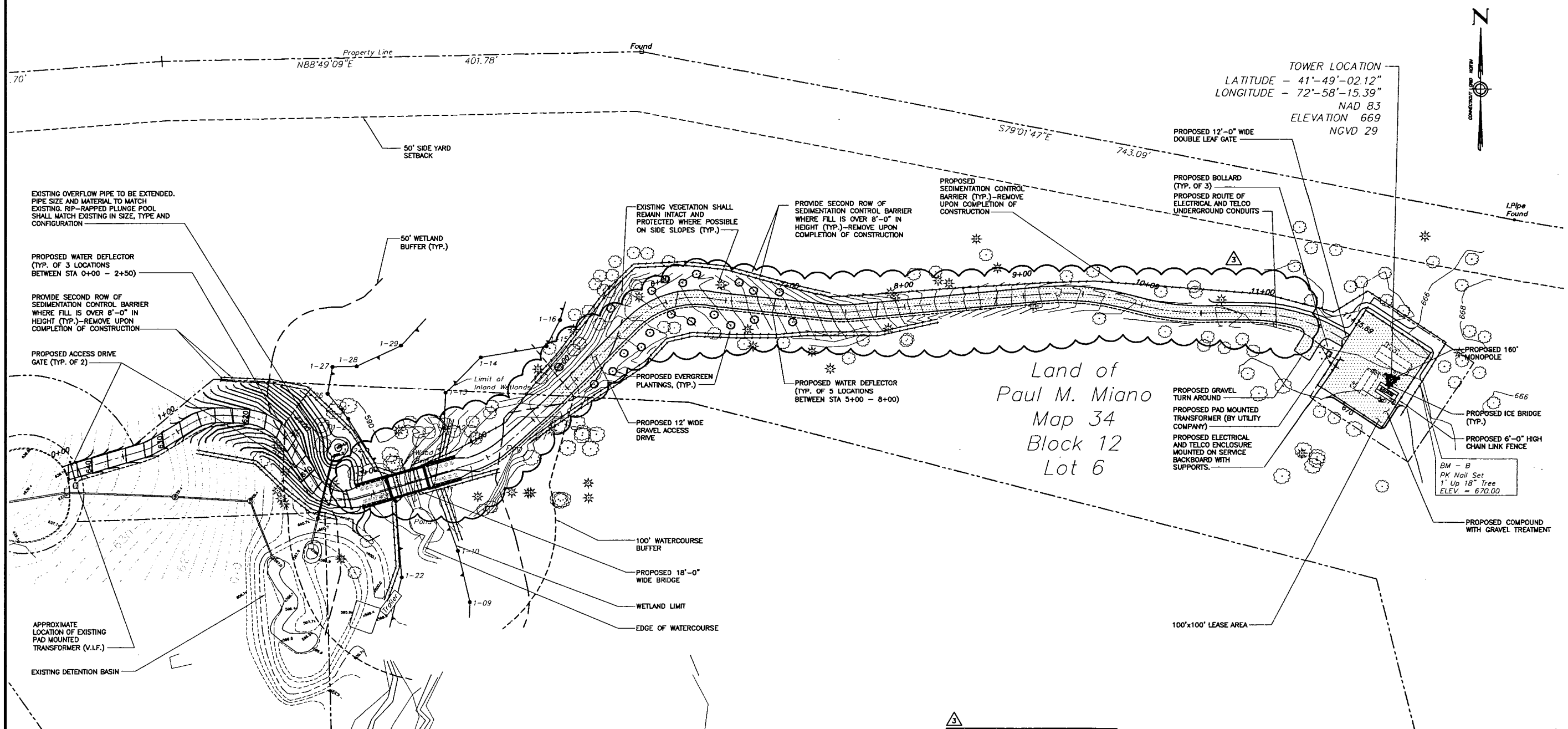
JEFFERSONVILLE 3
170 SOUTHEAST RD.
NEW HARTFORD, CONNECTICUT 06057

NO.	DATE	REVISIONS	BY	CHK	APP'D
3	02/06/06	ISSUED FOR SITING COUNCIL APPROVAL	PJS		DJR
2	05/09/06	ISSUED FOR WETLANDS APPROVAL	PJS		DJR
1	10/21/05	ISSUED FOR WETLANDS APPROVAL	PJS		DJR
0	08/19/05	ISSUED FOR REVIEW	PJS		DJR

SCALE: AS NOTED | DESIGNED PJS | DRAWN HLM

BAY COMMUNICATIONS
SITE PLAN AND KEY PLAN

JOB NO.	DRAWING NUMBER	REV
36928208/BAY004	SC-1	3



1 SC-2 PARTIAL SITE PLAN
SCALE: 1" = 40'-0"

3

REV. 3 CHANGES:

THE GRADE OF THE ACCESS DRIVE EAST OF THE STREAM CROSSING HAS BEEN CHANGED FROM 12% TO 8%.

THE ALIGNMENT OF THE ACCESS DRIVE HAS BEEN SLIGHTLY ADJUSTED EAST OF THE STREAM CROSSING AS TO LESSEN THE AMOUNT OF WETLANDS BUFFER IMPACT.

URS CORPORATION AES
500 ENTERPRISE DRIVE
ROCKY HILL, CONNECTICUT
1-(860)-529-8882

BAY COMMUNICATIONS
20 WESTMINSTER STREET
PROVIDENCE, RHODE ISLAND 02903

JEFFERSONVILLE 3
170 SOUTHEAST RD.
NEW HARTFORD, CONNECTICUT 06057

NO.	DATE	REVISIONS	BY	CHK	APP'D
3	12/08/09	ISSUED FOR SITING COUNCIL APPROVAL	PJS		DJR
2	05/08/06	ISSUED FOR WETLANDS APPROVAL	PJS		DJR
1	10/21/05	ISSUED FOR WETLANDS APPROVAL	PJS		DJR
A	09/19/05	ISSUED FOR REVIEW	PJS		DJR

SCALE: AS NOTED | DESIGNED PJS | DRAWN HLM

BAY COMMUNICATIONS
PARTIAL SITE PLAN

JOB NO.	DRAWING NUMBER	REV
36928208/BAY004	SC-2	3

Installation Drawings Sheet Index	
CT1	TITLE SHEET, LOCATION PLAN & GENERAL NOTES
CT2	BRIDGE PLAN & DETAILS
CT3	FOUNDATION PLAN
CT4	FOOTING SECTIONS & DETAILS
CT5	ELEVATIONS
CT6	SECTION & DETAILS
CT7	SPECIFICATIONS
CT8	SPECIFICATIONS

JEFFERSON CELL TOWER

NOTES

GENERAL NOTES:

1. This bridge has been designed for general site conditions. The project engineer shall be responsible for the structure's suitability to the existing site conditions and for the hydraulic evaluation -- including scour and confirmation of soil conditions.
2. Prior to construction, contractor must verify all elevations shown through the engineer.
3. Only CONTECH Bridge Solutions Inc. the CON/SPAN® approved precaster in Connecticut may provide the structure designed in accordance with these plans.
4. The use of another precast structure with the design assumptions used for the CON/SPAN® structure may lead to serious design errors. Use of any other precast structure with this design and drawings voids any certification of this design and warranty. CONTECH Bridge Solutions Inc. assumes no liability for design of any alternate or similar type structures.
5. Alternate structures may be considered, provided that signed and sealed design drawings (and calculations) are submitted to the engineer 2 weeks prior to the bid date for review and approval.
6. Proposed alternates to a CON/SPAN® Bridge System must submit at least two (2) independently verified full scale load tests that confirm the proposed design methodology of the three sided/arch structure(s). The proposed alternate, upon satisfactory confirmation of design methodology, may be considered an acceptable alternate.

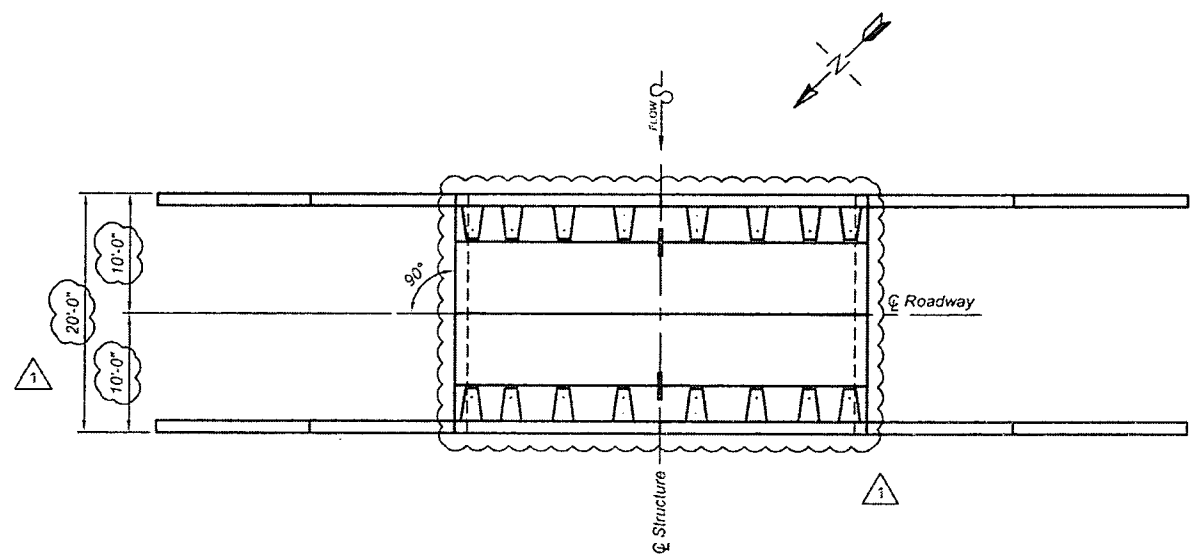
DESIGN DATA

Design Loading:
Bridge Units: HS25-44
Headwalls: Earth Pressure + Live Load Impact
Wingwalls: Earth Pressure + Live Load Impact
Design Fill Height: 1'-0" min. to 1'-6" max. from top of crown to top of pavement.
Design Method: Load factor per AASHTO Specification
Net allowable soil bearing pressure: 3620 PSF *
Gross allowable soil bearing pressure: 4000 PSF *

*Foundation excavation and subgrade preparation shall be in accordance with the geotechnical report for this project prepared by Dr. Clarence Welti Geotechnical Engineering dated 1/8/2004.

MATERIALS

Precast units shall be constructed and installed in accordance with CON/SPAN® Specifications. Concrete for Footings shall have a minimum compressive strength of 4000 psi. Reinforcing steel for footings shall conform to ASTM A615 or A996-Grade 60.



LOCATION PLAN
not to scale

STATE OF CONNECTICUT
TIMOTHY J. BEACH
No 17545
LICENSED
PROFESSIONAL ENGINEER

7-9-08

Engineer's Seal

CONTECH Bridge Solutions Inc. - Systems

CON/SPAN® BRIDGE SYSTEMS

No	Date	Description	Sheets Revised	By
1	7/8/2008	Revised Structure Length & Headwall Connection Type	CT1 - CT6	MRW
2				
3				
4				
5				
6				
7				

REVISIONS

Comments

Company
CONTECH BRIDGE SOLUTIONS INC.

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Clifton Park, New York 12065

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518-371-2872 fax
800-526-3999

Sheet Title
TITLE SHEET, LOCATION PLAN & GENERAL NOTES

NEW HARTFORD CONNECTICUT

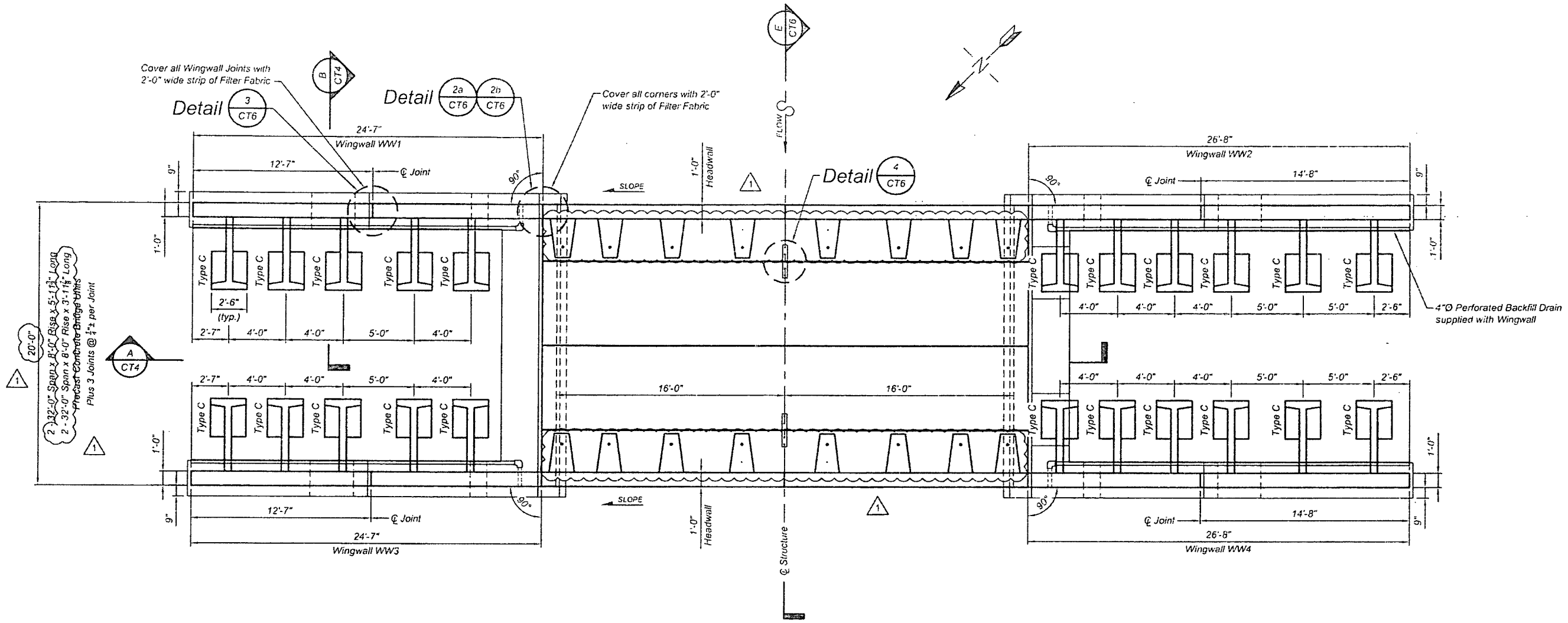
JEFFERSON CELL TOWER

Project Status
APPROVAL ONLY:
NOT FOR CONSTRUCTION

Designed MRW
Drawn JCH
Checked KJG
Date 6/11/2008

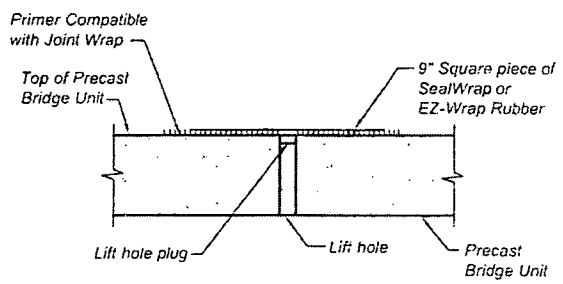
Project No 17585

Sheet No CT1

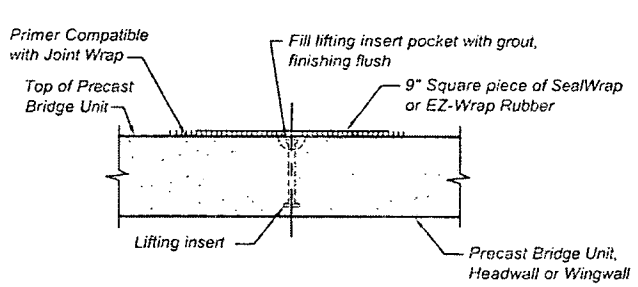


BRIDGE PLAN

0 2' 4' 8'



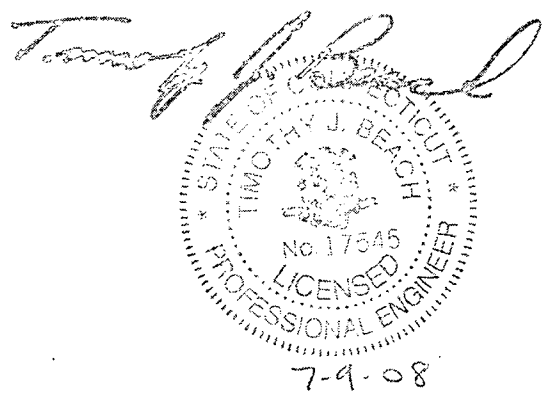
LIFTING HOLES



LIFTING INSERTS

TYPICAL LIFT POINT SEALING DETAIL

not to scale



Engineer's Seal

CONTECH Bridge Solutions Inc. - System

CONSPAN® BRIDGE SYSTEMS

No	Date
1	7/8/2008
2	
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REVISIONS

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Company

CONTECH BRIDGE SOLUTIONS INC.

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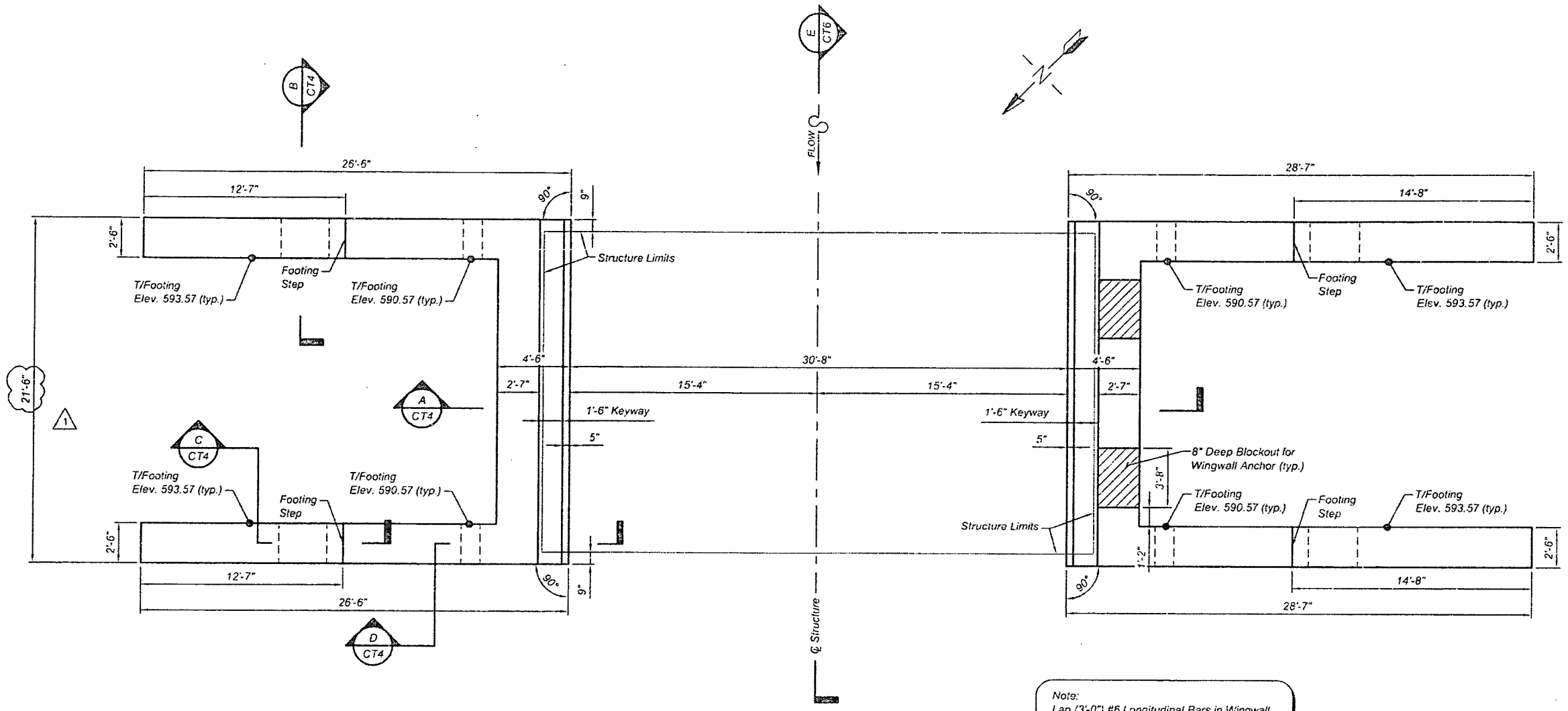
Sheet Title: BRIDGE PLAN & DETAILS

NEW HARTFORD CONNECTICUT

JEFFERSON CELL TOWER

Project Status: APPROVAL ONLY: NOT FOR CONSTRUCTION

Designed	MRW
Drawn	JCH
Checked	KJG
Date	6/11/2008
Project No.	17585
Sheet No.	CT2



FOUNDATION PLAN

0 2' 4' 8'

Note:
Lap (3'-0") #6 Longitudinal Bars in Wingwall and Bridge Footings to make continuous

STATE OF CONNECTICUT
TIMOTHY J. BEACH
No. 17545
LICENSED
PROFESSIONAL ENGINEER

7-9-08

Engineer's Seal

CONTECH Bridge Solutions Inc. - System.

CONSPAN® BRIDGE SYSTEMS

No.	Date
1	7/8/2008
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Sheet Title

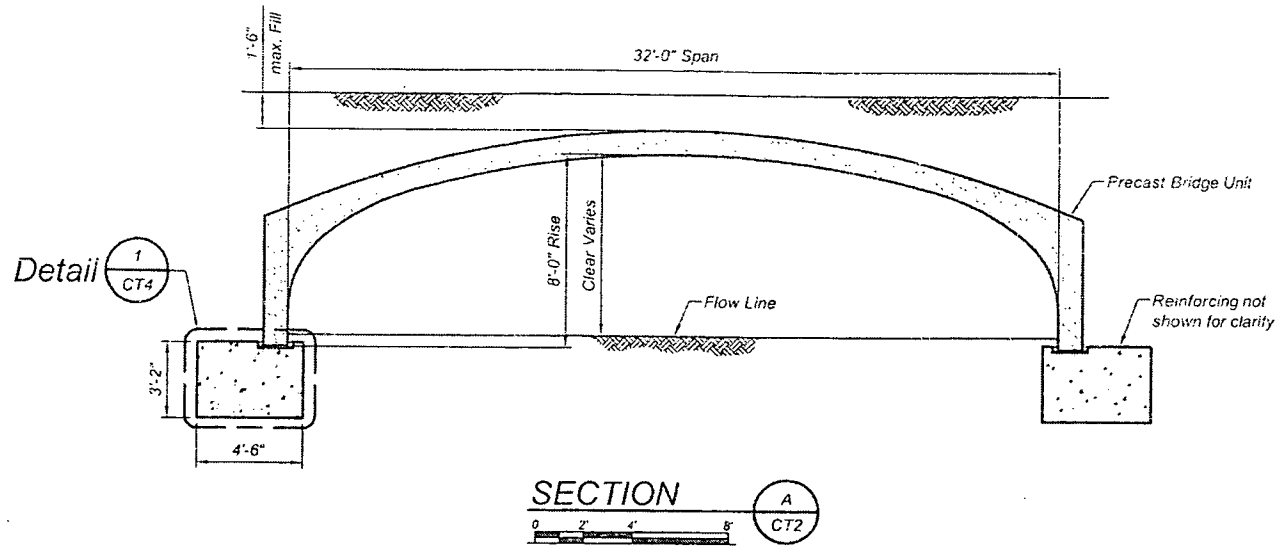
FOUNDATION PLAN

NEW HARTFORD CONNECTICUT

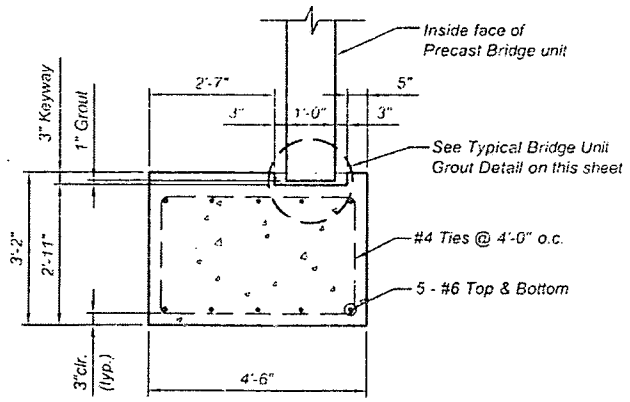
JEFFERSON CELL TOWER

Project Status: APPROVAL ONLY: NOT FOR CONSTRUCTION

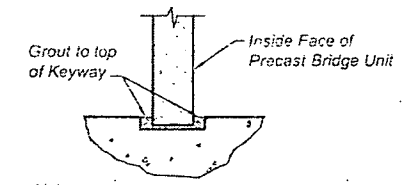
Designed	MRW
Drawn	JCH
Checked	KJG
Date	6/11/2008
Project No.	17585
Sheet No.	CT3



SECTION A CT2



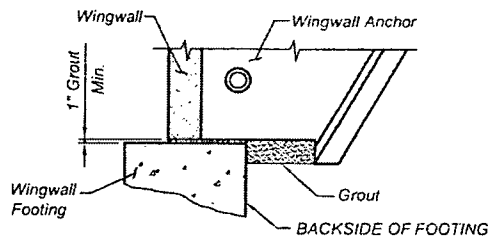
DETAIL 1 CT4



Note:
Fill entire keyway including nominal 1" void between bottom of keyway and bottom of precast bridge unit leg with grout.

TYPICAL BRIDGE UNIT GROUT DETAIL

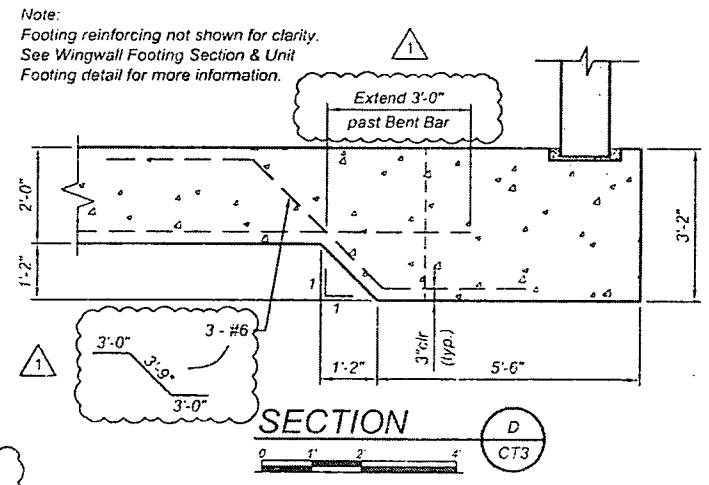
not to scale



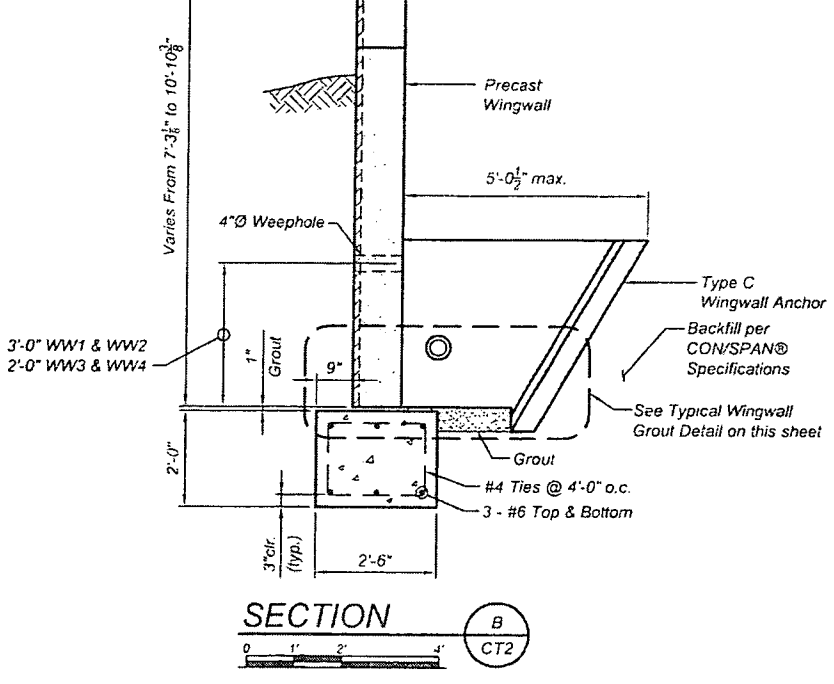
Notes:
- Minimum 1" Grout under wingwall leg & anchor stem.
- Area between wingwall footing and wingwall anchor shall be grouted solid before backfill.
- FORM BACKSIDE OF FOOTING TO DIMENSIONS SHOWN ON FOUNDATION PLAN.

TYPICAL WINGWALL GROUT DETAIL

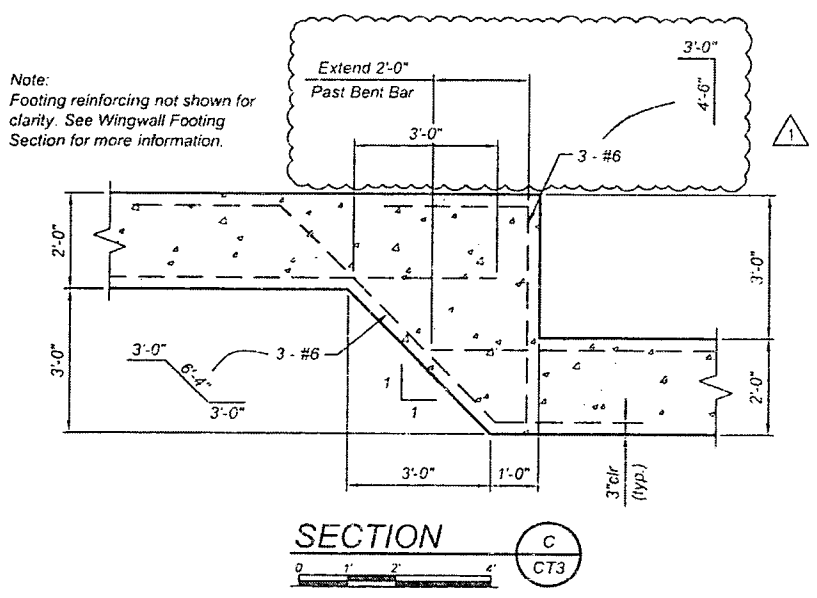
not to scale



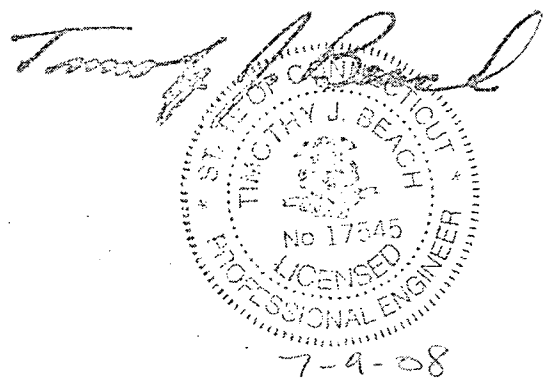
SECTION D CT3



SECTION B CT2



SECTION C CT3



Engineer's Seal

CONTECH Bridge Solutions Inc. - System.

CONSPAN® BRIDGE SYSTEMS

No	Date
1	7/8/2008
2	
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REVISIONS

Comments:

Company

CONTECH BRIDGE SOLUTIONS INC.

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800-525-3999

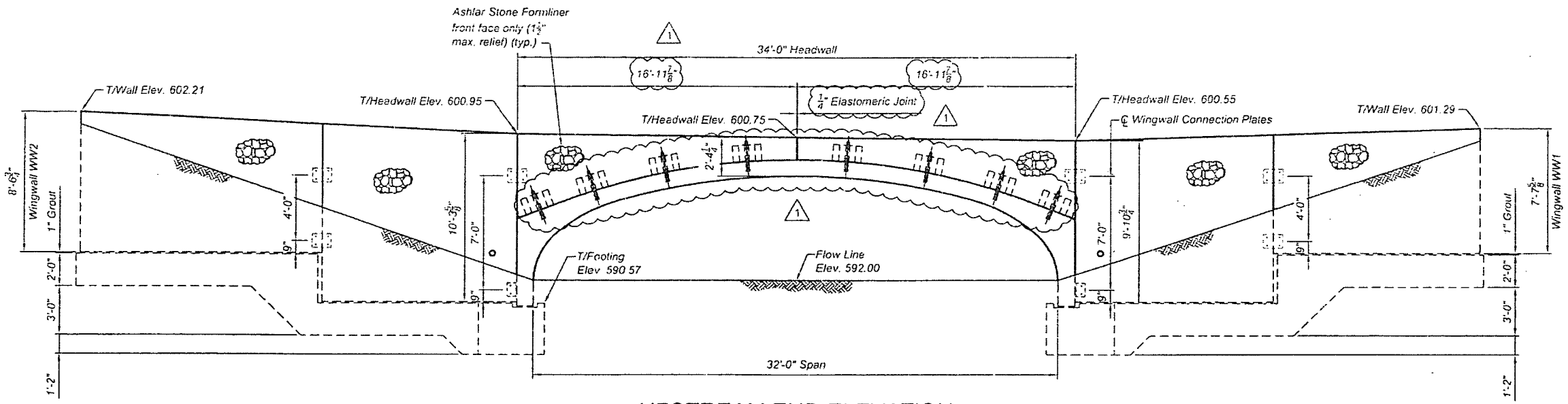
Sheet Title: FOOTING SECTIONS & DETAILS

NEW HARTFORD CONNECTICUT

JEFFERSON CELL TOWER

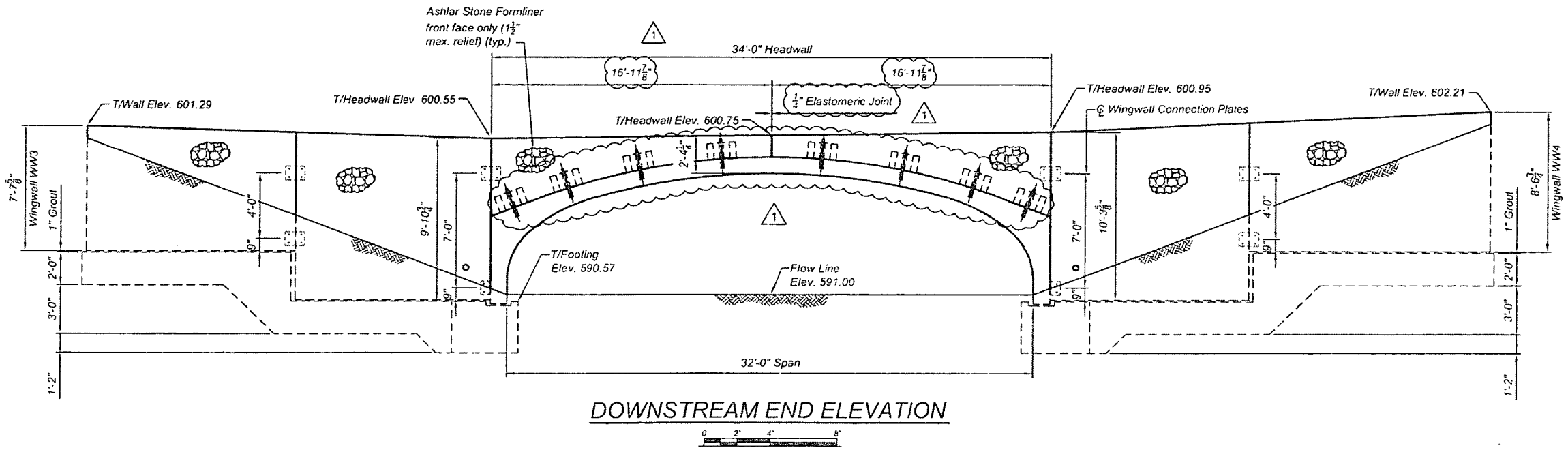
Project Status: APPROVAL ONLY: NOT FOR CONSTRUCTION

Designed	MRW
Drawn	JCH
Checked	KJG
Date	6/11/2008
Project No.	17585
Sheet No.	CT4



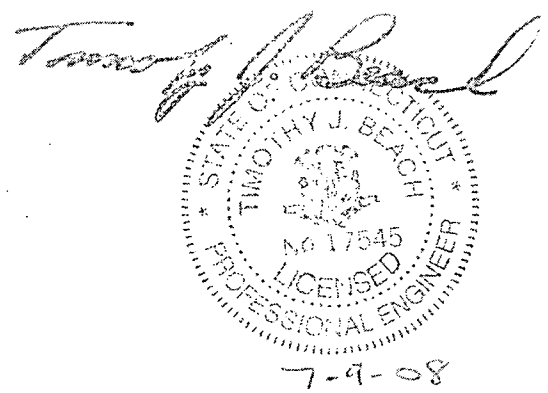
UPSTREAM END ELEVATION

0 2' 4' 8'



DOWNSTREAM END ELEVATION

0 2' 4' 8'



Engineer's Seal

CONTECH Bridge Solutions Inc. - System

CONSPAN® BRIDGE SYSTEMS

No.	Date
1	7/8/2008
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Company

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800-526-3999

Sheet Title

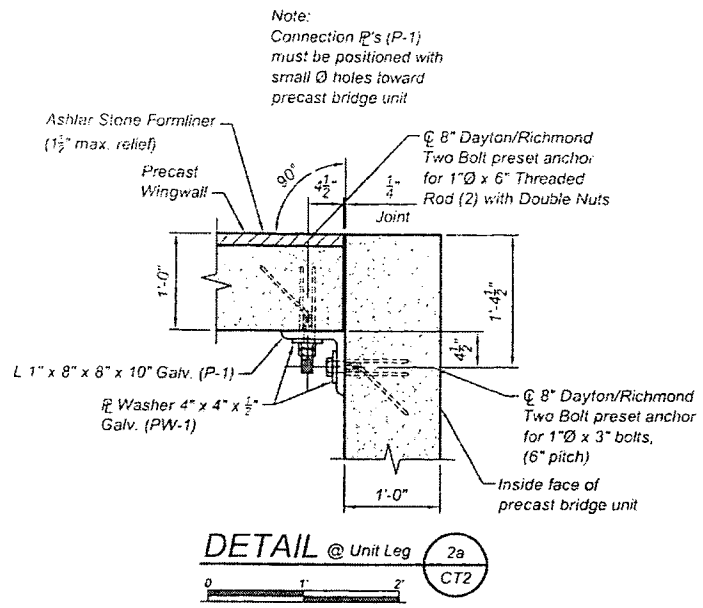
ELEVATIONS

NEW HARTFORD CONNECTICUT

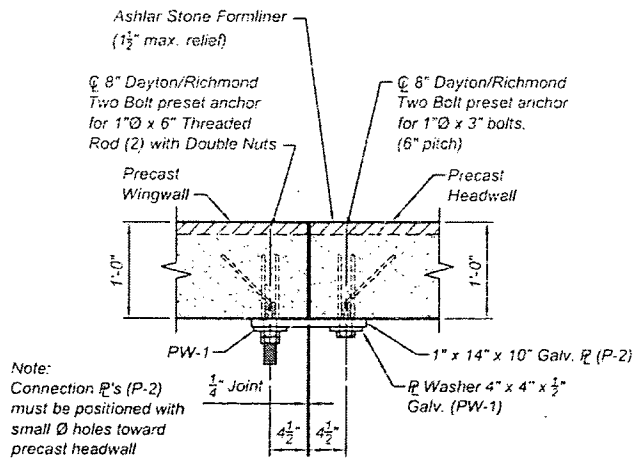
JEFFERSON CELL TOWER

Project Status: APPROVAL ONLY: NOT FOR CONSTRUCTION

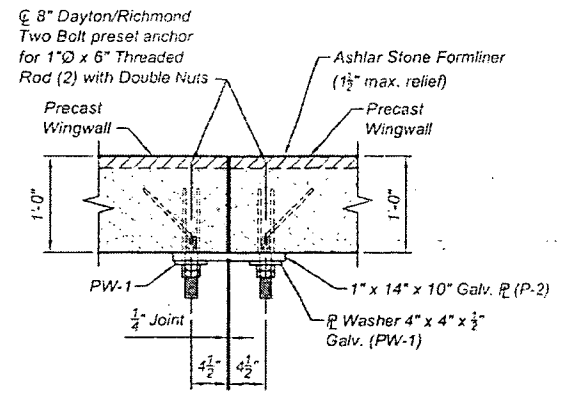
Designed	MRW
Drawn	JCH
Checked	KJG
Date	6/11/2008
Project No.	17585
Sheet No.	CT5



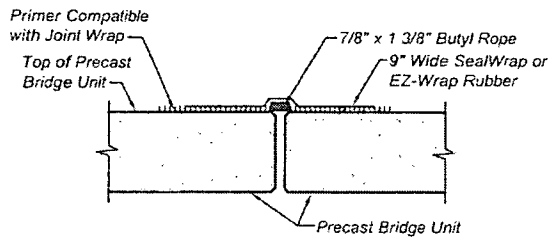
DETAIL @ Unit Leg 2a CT2



DETAIL @ Headwall 2b CT2



DETAIL 3 CT2



TYPICAL JOINT SEAL DETAIL

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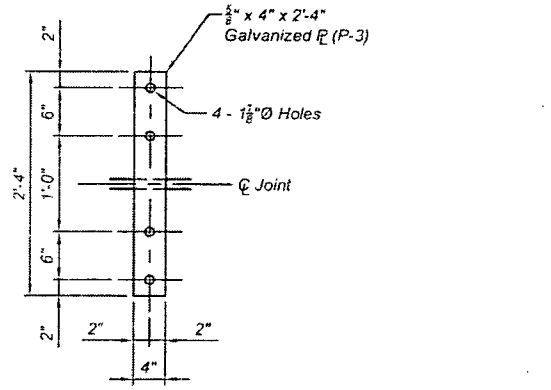
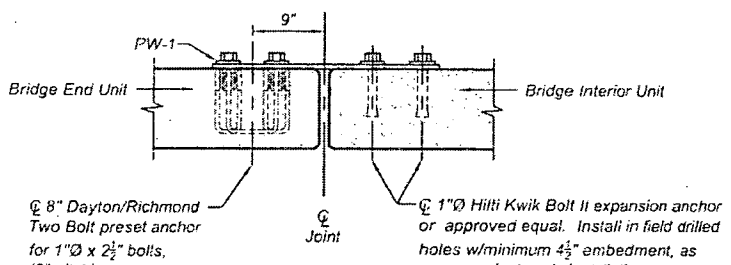
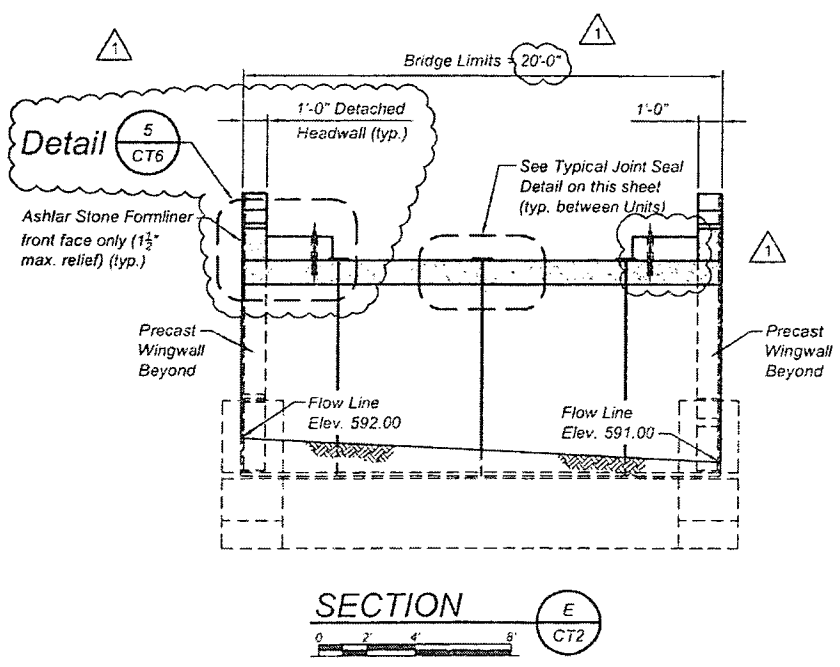
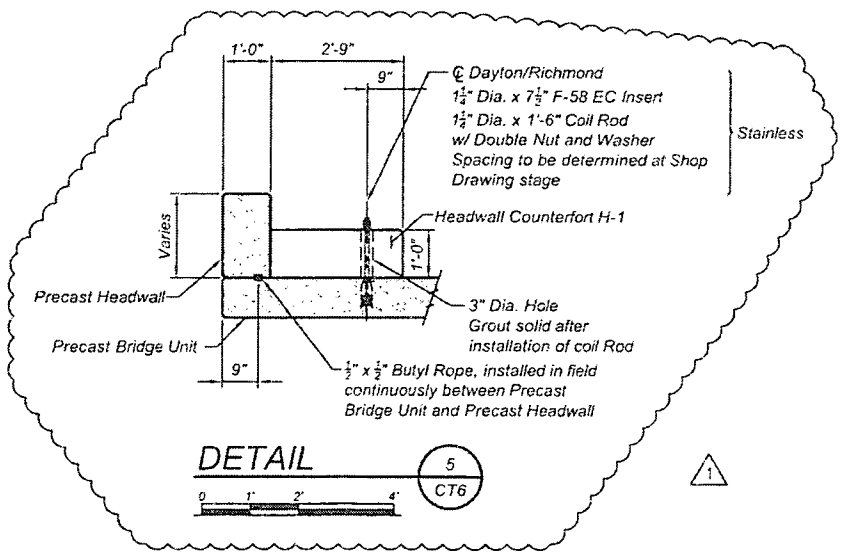




DETAIL not to scale 4 CT2



SECTION E CT2



DETAIL 5 CT6

Tmoy J. Beach

STATE OF CONNECTICUT
TIMOTHY J. BEACH
No. 17545
LICENSED
PROFESSIONAL ENGINEER

7-9-08

Engineer's Seal

CONTECH Bridge Solutions Inc. - System

CONSPAN® BRIDGE SYSTEMS

No	Date
1	7/8/2008
2	
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REVISIONS

Comments

Company:
CONTECH® BRIDGE SOLUTIONS INC.
632 Plank Road
Suite 108
Clifton Park, New York 12065
518-371-2870
518-371-2872 fax
800-526-3999

Sheet Title:
SECTION & DETAILS

NEW HARTFORD CONNECTICUT

JEFFERSON CELL TOWER

Project Status: APPROVAL ONLY: NOT FOR CONSTRUCTION

Designed	MRW
Drawn	JCH
Checked	KJG
Date	6/11/2008
Project No.	17535
Sheet No.	CT6

SPECIFICATIONS FOR MANUFACTURE AND INSTALLATION OF CON/SPAN® BRIDGE SYSTEMS

1. Description

1.1. Type This work shall consist of furnishing and constructing a CON/SPAN® bridge system in accordance with these specifications and in reasonably close conformity with the lines, grades, design and dimensions shown on the plans or as established by the Engineer. In situations where two or more specifications apply to this work, the most stringent requirements shall govern.

1.2. Designation Precast reinforced concrete CON/SPAN® bridge units manufactured in accordance with this specification shall be designated by span and rise. Precast reinforced concrete wingwalls and headwalls manufactured in accordance with this specification shall be designated by length, height, and deflection angle.

2. Design

2.1. Specifications The precast elements are designed in accordance with the "Standard Specifications for Highway Bridges" 17th Edition, adopted by the American Association of State Highway and Transportation Officials, 2002. A minimum of one foot of cover above the crown of the bridge units is required in the installed condition. (Unless noted otherwise on the shop drawings and designed accordingly.)

3. Materials

3.1. Concrete The concrete for the precast elements shall be air-entrained when installed in areas subject to freeze-thaw conditions, composed of Portland cement, fine and coarse aggregates, admixtures and water. Air-entrained concrete shall contain 6 ± 2 percent air. The air-entraining admixture shall conform to AASHTO M154. The minimum concrete compressive strength shall be as shown on the shop drawings.

3.1.1. Portland Cement - Shall conform to the requirements of ASTM Specifications C150-Type I, Type II, or Type III cement.

3.1.2. Coarse Aggregate - Shall consist of stone having a maximum size of 1 inch. Aggregate shall meet requirements for ASTM C33.

3.1.3. Water Reducing Admixture - The manufacturer may submit, for approval by the Engineer, a water-reducing admixture for the purpose of increasing workability and reducing the water requirement for the concrete.

3.1.4. Calcium Chloride - The addition to the mix of calcium chloride or admixtures containing calcium chloride will not be permitted.

3.1.5. Mixture The aggregates, cement and water shall be proportioned and mixed in a batch mixer to produce a homogeneous concrete meeting the strength requirements of this specification The proportion of Portland cement in the mixture shall not be less than 564 pounds (6 sacks) per cubic yard of concrete.

3.2. Steel Reinforcement

3.2.1. The minimum steel yield strength shall be 60,000 psi, unless otherwise noted on the shop drawings.

3.2.2. All reinforcing steel for the precast elements shall be fabricated and placed in accordance with the detailed shop drawings submitted by the manufacturer.

3.2.3 Reinforcement shall consist of welded wire fabric conforming to ASTM Specification A 185 or A 497, or deformed billet steel bars conforming to ASTM Specification A 615, Grade 60. Longitudinal distribution reinforcement may consist of welded wire fabric or deformed billet-steel bars.

3.3. Steel Hardware

3.3.1 Bolts and threaded rods for wingwall connections shall conform to ASTM A 307. Nuts shall conform to AASHTO M292 (ASTM A194) Grade 2H. All bolts, threaded rods and nuts used in wingwall connections shall be mechanically zinc coated in accordance with ASTM B695 Class 50.

3.3.2. Structural Steel for wingwall connection plates and plate washers shall conform to AASHTO M 270 (ASTM A 709) Grade 36 and shall be hot dip galvanized as per AASHTO M111 (ASTM A123).

3.3.3. Inserts for wingwalls shall be 1" diameter Two-Bolt Preset Wingwall Anchors as manufactured by Dayton/Richmond Concrete Accessories, Miamisburg, Ohio, (800) 745-3700.

3.3.4. Ferrule Loop Inserts shall be F-64 Ferrule Loop Inserts as manufactured by Dayton/Richmond Concrete Accessories, Miamisburg, Ohio, (800) 745-3700.

3.3.5. Hook Bolts used in attached headwall connections shall be ASTM A307.

3.3.6. Inserts for detached headwall connections shall be AISI Type 304 stainless steel, F-58 Expanded Coil Inserts as manufactured by Dayton/Richmond Concrete Accessories, Miamisburg, Ohio, (800) 745-3700. Coil rods and nuts used in headwall connections shall be AISI Type 304 stainless steel. Washers used in headwall connections shall be either AISI Type 304 stainless steel plate washers or AASHTO M270 (ASTM A709) Grade 36 plate washers hot dip galvanized as per AASHTO M111 (ASTM A123).

3.3.7. Reinforcing bar splices shall be made using the Dowel Bar Splicer System as manufactured by Dayton/Richmond Concrete Accessories, Miamisburg, Ohio, (800) 745-3700, and shall consist of the Dowel Bar Splicer (DB-SAE) and Dowel-In (DI).

4. Manufacture of Precast Elements

Subject to the provisions of Section 5, below, the precast element dimension and reinforcement details shall be as prescribed in the plan and shop drawings provided by the manufacturer.

4.1 Forms The forms used in manufacture shall be sufficiently rigid and accurate to maintain the required precast element dimensions within the permissible variations given in Section 5 of these specifications All casting surfaces shall be of a smooth material

4.2 Placement of Reinforcement

4.2.1 Placement of Reinforcement in Precast Bridge Units - The cover of concrete over the outside circumferential reinforcement shall be 2 inches minimum. The cover of concrete over the inside circumferential reinforcement shall be 1 1/2 inches minimum, unless otherwise noted on the shop drawings. The clear distance of the end circumferential wires shall not be less than one inch nor more than two inches from the ends of each section. Reinforcement shall be assembled utilizing single or multiple layers of welded wire fabric (not to exceed 3 layers), supplemented with a single layer of deformed billet-steel bars, when necessary. Welded wire fabric shall be composed of circumferential and longitudinal wires meeting the spacing requirements of 4.3, below, and shall contain sufficient longitudinal wires extending through the bridge unit to maintain the shape and position of the reinforcement. Longitudinal distribution reinforcement may be welded wire fabric or deformed billet-steel bars and shall meet the spacing requirements of 4.3, below. The ends of the longitudinal distribution reinforcement shall be not more than 3 inches and not less than 1 1/2 inches from the ends of the bridge unit.

4.2.2. Bending of Reinforcement for Precast Bridge Units - The outside and inside circumferential reinforcing steel for the corners of the bridge shall be bent to such an angle that is approximately equal to the configuration of the bridge's outside corner.

4.2.3. Placement of Reinforcement for Precast Wingwalls and Headwalls - The cover of concrete over the longitudinal and transverse reinforcement shall be 2 inches minimum. The clear distance from the end of each precast element to the end of reinforcing steel shall not be less than ½ inch nor more than 3 inches. Reinforcement shall be assembled utilizing a single layer of welded wire fabric, or a single layer of deformed billet-steel bars. Welded wire fabric shall be composed of transverse and longitudinal wires meeting the spacing requirements of 4.3, below, and shall contain sufficient longitudinal wires extending through the element to maintain the shape and position of the reinforcement Longitudinal reinforcement may be welded wire fabric or deformed billet-steel bars and shall meet the spacing requirements of 4.3, below.

4.3. Laps, Welds, Spacing

4.3.1. Laps, Welds, and Spacing for Precast Bridge Units - Tension splices in the circumferential reinforcement shall be made by lapping. Laps may be tack welded together for assembly purposes. For smooth welded wire fabric, the overlap shall meet the requirements of AASHTO 8.30.2 and 8.32.6. For deformed welded wire fabric, the overlap shall meet the requirements of AASHTO 8.30.1 and 8.32.5. The overlap of welded wire fabric shall be measured between the outer-most longitudinal wires of each fabric sheet. For deformed billet-steel bars, the overlap shall meet the requirements of AASHTO 8.25. For splices other than tension splices, the overlap shall be a minimum of 12" for welded wire fabric or deformed billet-steel bars. The spacing center to center of the circumferential wires in a wire fabric sheet shall be not less than 2 inches nor more than 4 inches. The spacing center to center of the longitudinal wires shall not be more than 8 inches. The spacing center to center of the longitudinal distribution steel for either line of reinforcing in the top slab shall be not more than 16 inches.

4.3.2. Laps, Welds, and Spacing for Precast Wingwalls and Headwalls - Splices in the reinforcement shall be made by lapping. Laps may be tack welded together for assembly purposes. For smooth welded wire fabric, the overlap shall meet the requirements of AASHTO 8.30.2 and 8.32.6. For deformed welded wire fabric, the overlap shall meet the requirements of AASHTO 8.30.1 and 8.32.5. For deformed billet-steel bars, the overlap shall meet the requirements of AASHTO 8.25. The spacing center-to-center of the wires in a wire fabric sheet shall be not less than 2 inches nor more than 8 inches.

4.4. Curing The precast concrete elements shall be cured for a sufficient length of time so that the concrete will develop the specified compressive strength in 28 days or less. Any one of the following methods of curing or combinations thereof shall be used:

4.4.1. Steam Curing - The precast elements may be low-pressure steam cured by a system that will maintain a moist atmosphere.

4.4.2. Water Curing - The precast elements may be water cured by any method that will keep the sections moist.

4.4.3. Membrane Curing - A sealing membrane conforming to the requirements of ASTM Specification C309 may be applied and shall be left intact until the required concrete compressive strength is attained. The concrete temperature at the time of application shall be within +/- 10 degrees F of the atmospheric temperature. All surfaces shall be kept moist prior to the application of the compounds and shall be damp when the compound is applied.

4.5. Storage, Handling & Delivery

4.5.1. Storage

Precast concrete bridge elements shall be lifted and stored in "as-cast" position.

Precast concrete headwall and wingwall units are cast, stored and shipped in a flat position

The precast elements shall be stored in such a manner to prevent cracking or damage. Store elements using timber supports as appropriate. The units shall not be moved until the concrete compressive strength has reached a minimum of 2500 psi, and they shall not be stored in an upright position.

4.5.2 Handling

Handling devices shall be permitted in each precast element for the purpose of handling and setting.

Spreader beams may be required for the lifting of precast concrete bridge elements to preclude damage from bending or torsion forces.

4.4.3. Delivery

Precast concrete elements must not be shipped until the concrete has attained the specified design compressive strength, or as directed by the design Engineer.

Precast concrete elements may be unloaded and placed on the ground at the site until installed. Store elements using timber supports as appropriate.

4.6. Quality Assurance The Precaster shall demonstrate adherence to the standards set forth in the NPCA Quality Control Manual. The Precaster shall meet either Section 4.7.1 or 4.7.2

4.6.1. Certification: The Precaster shall be certified by the Precast/Prestressed Concrete Institute Plant Certification Program or the National Precast Concrete Association's Plant Certification Program prior to and during production of the products covered by this specification.

4.6.2. Qualifications, Testing and Inspection

4.6.2.1. The Precaster shall have been in the business of producing precast concrete products similar to those specified for a minimum of three years. He shall maintain a permanent quality control department or retain an independent testing agency on a continuing basis. The agency shall issue a report, certified by a licensed engineer, detailing the ability of the Precaster to produce quality products consistent with industry standards.

4.6.2.2. The Precaster shall show that the following tests are performed in accordance with the ASTM standards indicated. Tests shall be performed as indicated in Section 6 of these specifications

4.6.2.2.1. Air Content: C231 or C173

4.6.2.2.2. Compressive Strength: C31, C39, C497

4.6.2.3. The Precaster shall provide documentation demonstrating compliance with this section to CONTECH® Bridge Solutions at regular intervals or upon request.

4.6.2.4. The Owner may place an inspector in the plant when the products covered by this specification are being manufactured.

4.6.3. Documentation - The Precaster shall submit Precast Production Reports to CONTECH® Bridge Solutions as required.

5. Permissible Variations

5.1. Bridge Units

5.1.1. Internal Dimensions - The internal dimension shall vary not more than 1% from the design dimensions nor more than 1-1/2 inches whichever is less.

5.1.2. Slab and Wall Thickness - The slab and wall thickness shall not be less than that shown in the design by more than 1/4 inch. A thickness more than that required in the design shall not be cause for rejection.

5.1.3. Length of Opposite Surfaces - Variations in laying lengths of two opposite surfaces of the bridge unit shall not be more than 1/2 inch in any section, except where beveled ends for laying of curves are specified by the purchaser.

5.1.4. Length of Section - The underrun in length of a section shall not be more than 1/2 inch in any bridge unit.

5.1.5. Position of Reinforcement - The maximum variation in position of the reinforcement shall be ± 1/2 inch. In no case shall the cover over the reinforcement be less than 1 1/2 inches for the outside circumferential steel or be less than 1 inch for the inside circumferential steel as measured to the external or internal surface of the bridge. These tolerances or cover requirements do not apply to mating surfaces of the joints.

5.1.6. Area of Reinforcement - The areas of steel reinforcement shall be the design steel areas as shown in the manufacturer's shop drawings. Steel areas greater than those required shall not be cause for rejection. The permissible variation in diameter of any reinforcement shall conform to the tolerances prescribed in the ASTM Specification for that type of reinforcement.

5.2. Wingwalls & Headwalls

5.2.1. Wall Thickness - The wall thickness shall not vary from that shown in the design by more than 1/2 inch.

5.2.2 Length/ Height of Wall sections - The length and height of the wall shall not vary from that shown in the design by more than 1/2 inch.

5.2.3. Position of Reinforcement - The maximum variation in the position of the reinforcement shall be ± 1/2 inch. In no case shall the cover over the reinforcement be less than 1 1/2 inches.

5.2.4. Size of Reinforcement - The permissible variation in diameter of any reinforcing shall conform to the tolerances prescribed in the ASTM Specification for that type of reinforcing Steel area greater than that required shall not be cause for rejection.

6. Testing/ Inspection

6.1. Testing

6.1.1. Type of Test Specimen - Concrete compressive strength shall be determined from compression tests made on cylinders or cores. For cylinder testing, a minimum of 3 cylinders shall be taken for each lot of bridge elements. (A lot is defined as the precast elements made using the same concrete mix during a single day's production.) For core testing, one core shall be cut from each of 3 precast elements selected at random from each group of 15 or fewer elements made using a single concrete mix in the same day's production. Each lot shall be considered separately for the purpose of testing and acceptance.

6.1.2. Compression Testing - Cylinders shall be made and tested as prescribed by the ASTM C 39 Specification. Cores shall be obtained and tested for compressive strength in accordance with the provisions of the ASTM C42 Specification.

6.1.3. Acceptability of Cylinder Tests - When the average compressive strength of all cylinders tested is equal to or greater than the design compressive strength, and not more than 10% of the cylinders tested have a compressive strength less than the design concrete strength, and no cylinder tested has a compressive strength less than 80% of the design compressive strength, then the lot shall be accepted. When the compressive strength of the cylinders tested does not conform to these acceptance criteria, the acceptability of the lot may be determined as described in section 6.1.4, below.

6.1.4. Acceptability of Core Tests - The compressive strength of the concrete in a lot is acceptable when the average core test strength is equal to or greater than the design concrete strength. When the compressive strength of a core tested is less than the design concrete strength, the precast element from which that core was taken may be re-cored. When the compressive strength of the re-core is equal to or greater than the design concrete strength, the compressive strength of the concrete in that lot is acceptable.

6.1.4.1. When the compressive strength of any recore is less than the design concrete strength, the precast element from which that core was taken shall be rejected. Two precast elements from the remainder of the lot shall be selected at random and one core shall be taken from each. If the compressive strength of both cores is equal to or greater than the design concrete strength, the compressive strength of the remainder of that group is acceptable. If the compressive strength of either of the two cores tested is less than the design concrete strength, the remainder of the group shall be rejected or, at the option of the manufacturer, each precast element of the remainder of the group shall be cored and accepted individually, and any of these elements that have cores with less than the design concrete strength shall be rejected Plugging Core Holes - The core holes shall be plugged and sealed by the manufacturer in a manner such that the elements will meet all of the test requirements of this specification. Precast elements so sealed shall be considered satisfactory for use.

6.1.4.2. Test Equipment - Every manufacturer furnishing precast elements under this specification shall furnish all facilities and personnel necessary to carry out the test required.

6.2. Inspection The quality of materials, the process of manufacture, and the finished precast elements shall be subject to inspection by the purchaser.

7. Joints

The bridge units shall be produced with flat butt ends. The ends of the bridge units shall be such that when the sections are laid together they will make a continuous line with a smooth interior free of appreciable irregularities, all compatible with the permissible variations in section 5, above. The joint width between adjacent precast units shall not exceed 3/4 inches.

8. Workmanship/ Finish

The bridge units, wingwalls, and headwalls shall be substantially free of fractures. The ends of the bridge units shall be normal to the walls and centerline of the bridge section, within the limits of the variations given in section 5, above, except where beveled ends are specified. The faces of the wingwalls and headwalls shall be parallel to each other, within the limits of variations given in section 5, above. The surface of the precast elements shall be a smooth steel form or troweled surface Trapped air pockets causing surface defects shall be considered as part of a smooth, steel form finish.

9. Repairs

Precast elements may be repaired, if necessary, because of imperfections in manufacture or handling damage and will be acceptable if, in the opinion of the purchaser, the repairs are sound, properly finished and cured, and the repaired section conforms to the requirements of this specification.

10. Rejection

The precast elements shall be subject to rejection on account of any of the specification requirements. Individual precast elements may be rejected because of any of the following:

10.1. Fractures or cracks passing through the wall, except for a single end crack that does not exceed one half the thickness of the wall.

10.2. Defects that indicate proportioning, mixing, and molding not in compliance with section 4 of these specifications.

10.3. Honeycombed or open texture.

10.4. Damaged ends, where such damage would prevent making a satisfactory joint.

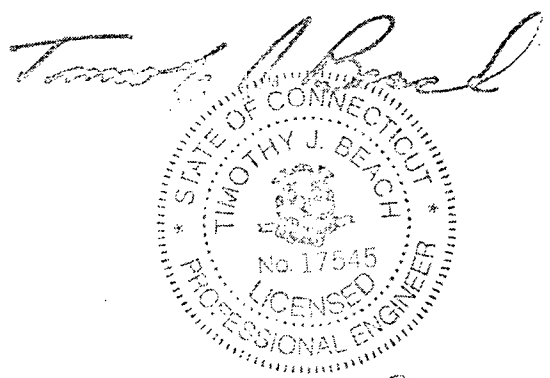
11. Marking

Each bridge unit shall be clearly marked by waterproof paint. The following shall be shown on the inside of the vertical leg of the bridge section:

Bridge Span X Bridge Rise

Date of Manufacture

Name or trademark of the manufacturer



Engineer's Seal

CONTECH Bridge Solutions Inc. System

CON/SPAN® BRIDGE SYSTEMS

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REVISIONS

Comments:

Company:

CONTECH® BRIDGE SOLUTIONS INC.

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Sheet Title:

SPECIFICATIONS

NEW HARTFORD CONNECTICUT

JEFFERSON CELL TOWER

Project Status:

APPROVAL ONLY:
NOT FOR CONSTRUCTION

Designed	MRW
Drawn	JCH
Checked	KJG
Date	6/11/2008

Project No. 17585

Sheet No. CT7

SPECIFICATIONS FOR MANUFACTURE AND INSTALLATION OF CON/SPAN® BRIDGE SYSTEMS (CONT'D)

12. Installation Preparation

To ensure correct installation of the precast concrete bridge system, care and caution must be exercised in forming the support areas for bridge units, headwall, and wingwall elements. Exercising special care will facilitate the rapid installation of the precast components.

12.1. Footings

Do not over excavate foundations unless directed by site soil engineer to remove unsuitable soil.

The site soils engineer shall certify that the bearing capacity meets or exceeds the footing design requirements, prior to the contractor pouring of the footings. A copy of the report shall be submitted to CONTECH® Bridge Solutions prior to shipment of precast concrete elements.

The bridge units and wingwalls shall be installed on either precast or cast-in-place concrete footings. The size and elevation of the footings shall be as designed by the Engineer. A keyway shall be formed in the top surface of the bridge footing as specified on the plans. No keyway is required in the wingwall footings, unless otherwise specified on the plans.

The footings shall be given a smooth float finish and shall reach a compressive strength of 2,000 psi before placement of the bridge and wingwall elements. Backfilling shall not begin until the footing has reached the full design compressive strength without written approval from CONTECH® Bridge Solutions.

The footing surface shall be constructed in accordance with grades shown on the plans. When tested with a 10-foot straight edge, the surface shall not vary more than 1/4 inch in 10 feet.

If a precast concrete footing is used, the contractor shall prepare a 4-inch thick base layer of compacted granular material the full width of the footing prior to placing the precast footing.

The foundations for precast concrete bridge elements and wingwalls must be connected by reinforcement to form one monolithic body. Expansion joints shall not be used.

The contractor shall be responsible for the construction of the foundations per the plans and specifications.

13. Installation

13.1. General The installation of the precast concrete elements shall be as explained in the publication CON/SPAN Bridge Systems Installation Handbook.

13.1.1. Lifting It is the responsibility of the contractor to ensure that a crane of the correct lifting capacity is available to handle the precast concrete units. This can be accomplished by using the weights given for the precast concrete components and by determining the lifting reach for each crane unit. Site conditions must be checked well in advance of shipping to ensure proper crane location and to avoid any lifting restrictions. The lift anchors or holes provided in each unit are the only means to be used to lift the elements. The precast concrete elements must not be supported or raised by other means than those given in the manuals and drawings without written approval from CONTECH® Bridge Solutions.

13.1.2. Construction equipment weight restrictions: In no case shall equipment operating in excess of the design load (HS20 or HS25) be permitted over the bridge units unless approved by CONTECH® Bridge Solutions.

13.1.2.1 In the immediate area of the bridge units, the following restrictions for the use of heavy construction machinery during backfilling operations apply:

- No construction equipment shall cross the bare precast concrete bridge unit.
- After the compacted fill level has reached a minimum of 4 inches over the crown of the bridge, construction equipment with a weight of less than 10 tons may cross the bridge.
- After the compacted fill level has reached a minimum of 1 foot over the crown of the bridge, construction equipment with a weight of less than 30 tons may cross the bridge.
- After the compacted fill level has reached the design cover, or 2 feet minimum, over the crown of the precast concrete bridge, construction equipment within the design load limits for the road may cross the precast concrete bridge.

13.2. Leveling Pad/ Shims The bridge units and wingwalls shall be set on masonite or steel shims measuring 6" x 6", minimum, unless shown otherwise on the plans. A minimum gap of 1/2 inch shall be provided between the footing and the bottom of the bridge's vertical legs or the bottom of the wingwall.

13.3. Placement of Bridge Units

The bridge units shall be placed as shown on the Engineer's plan drawings. Special care shall be taken in setting the elements to the true line and grade. The joint width between adjacent precast units shall not exceed 3/4 inches.

It is imperative that any lateral spreading of the bridge elements be avoided during and after their placement. Generally, horizontal cable ties are shipped in the larger bridge elements to prevent this spreading. If, due to site restrictions, these ties must be removed prior to placement of the bridge element, the contractor must provide hardwood wedges on site. These hardwood wedges are placed in the keyway outside the legs of the bridge elements, and smaller shims and wedges are added before complete release of the bridge element from the crane. Also, a supply of ¼, ½ inch and 1/8-thick steel or masonite shims for various shimming purposes should be on site, per section 13.2.

13.4. Placement of Wingwalls & Headwalls

The wingwalls and headwalls shall be placed as shown on the plan drawings. Special care shall be taken in setting the elements to the true line and grade.

13.5. Waterproofing/ Joint protection and Subsurface Drainage

13.5.1. External Protection of Joints - The butt joint made by two adjoining bridge units shall be covered with a 7/8" x 1 3/8" preformed bituminous joint sealant and a minimum of a 9-inch wide joint wrap. The surface shall be free of dirt before applying the joint material. A primer compatible with the joint wrap to be used shall be applied for a minimum width of nine inches on each side of the joint. The external wrap shall be either EZ-WRAP RUBBER by PRESS-SEAL GASKET CORPORATION, SEAL WRAP by MAR MAC MANUFACTURING CO. INC. or approved equal. The joint shall be covered continuously from the bottom of one bridge section leg, across the top of the bridge and to the opposite bridge section leg. Any laps that result in the joint wrap shall be a minimum of six inches long with the overlap running downhill.

13.5.2. In addition to the joints between bridge units, the joint between the end bridge unit and the headwall shall also be sealed as described above. If precast wingwalls are used, the joint between the end bridge unit and the wingwall shall be sealed with a 2'-0" strip of filter fabric. Also, if lift holes are formed in the bridge units, they shall be primed and covered with a 9" x 9" square of joint wrap.

13.5.3. During the backfilling operation, care shall be taken to keep the joint wrap in its proper location over the joint.

13.5.4. Subsoil drainage shall be as directed by the engineer.

13.6. Grouting

13.6.1. Grouting shall not be performed when temperatures are expected to go below 35° for a period of 72 hours.

Fill the bridge-foundation keyway with cement grout (Portland cement and water or cement mortar composed of Portland cement, sand and water) with a minimum 28-day compressive strength of 3000 psi. Vibrate as required to ensure that the entire key around the bridge element is completely filled. If bridge elements have been set with temporary ties (cables, bars, etc.) grout must attain a minimum compressive strength of 1500 psi before ties may be removed.

13.6.2. All grout shall have a maximum aggregate size of ¼ inch.

13.6.3. Lifting and erection anchor recesses shall be filled with grout.

13.7. Backfill

13.7.1. Do not perform backfilling during wet or freezing weather.

13.7.2. No backfill shall be placed against any structural elements until they have been approved by the Engineer.

13.7.3. Backfill shall be considered as all replaced excavation and new embankment adjacent to the precast concrete elements. The project construction and material specifications, which include the specifications for excavation for structures and roadway excavation and embankment construction, shall apply except as modified in this section.

13.7.4. Backfill Zones

- In-situ soil
- Zone A: constructed embankment or overfill.
- Zone B: fill that is directly associated with precast concrete bridge installation.
- Zone C: road structure.

13.7.5. Required Backfill Properties

13.7.5.1. In-situ soil

Natural ground is to be sufficiently stable to allow effective support to the precast concrete bridge units. As a guide, the existing natural ground should be of similar quality and density to Zone B material for minimum lateral dimension of one bridge span outside of the bridge footing.

13.7.5.2. Zone A

Zone A requires fill material with specifications and compacting procedures equal to that for normal road embankments.

13.7.5.3. Zone B

Generally, soils shall be reasonably free of organic matter, and, near concrete surfaces, free of stones larger than 3 inches in diameter. See charts for detailed descriptions of acceptable soils.

13.7.5.4. Zone C

Zone C is the road section of gravel, asphalt or concrete built in compliance with local engineering practices.

13.7.6. Placing and Compacting Backfill

Dumping for backfilling is not allowed any nearer than 3 ft from the bridge leg.

The fill must be placed and compacted in layers not exceeding 8 inches. The maximum difference in the surface levels of the fill on opposite sides of the bridge must not exceed 2 feet.

The fill behind wingwalls must be placed at the same time as that of the bridge fill. It must be placed in progressively placed horizontal layers not exceeding 8 inches per layer.

The backfill of Zone B shall be compacted to a minimum density of 95% of the Standard Proctor, as required by AASHTO T-99.

Soil within 1 foot of concrete surfaces should be hand-compacted. Elsewhere, use of rollers is acceptable. If vibrating roller-compactors are used, they should not be started or stopped within Zone B and the vibration frequency should be at least 30 revolutions per second.

The backfill material and compacting behind wingwalls should satisfy the criteria for the bridge backfill, Zone B.

Backfill against a waterproofed surface shall be placed carefully to avoid damage to the waterproofing material.

13.7.7. Bridge Units

For fill heights over 12 feet, no backfilling may begin until a backfill compaction testing plan has been coordinated with and approved by CONTECH® Bridge Solutions. Cost of the backfill compaction testing shall be included in the cost of the precast units. This included cost applies only to projects with fill heights over 12 feet (as measured from top crown of bridge to finished grade).

13.7.8. Wingwalls

Backfill in front of wingwalls shall be carried to ground lines shown in the plans.

13.8. Monitoring

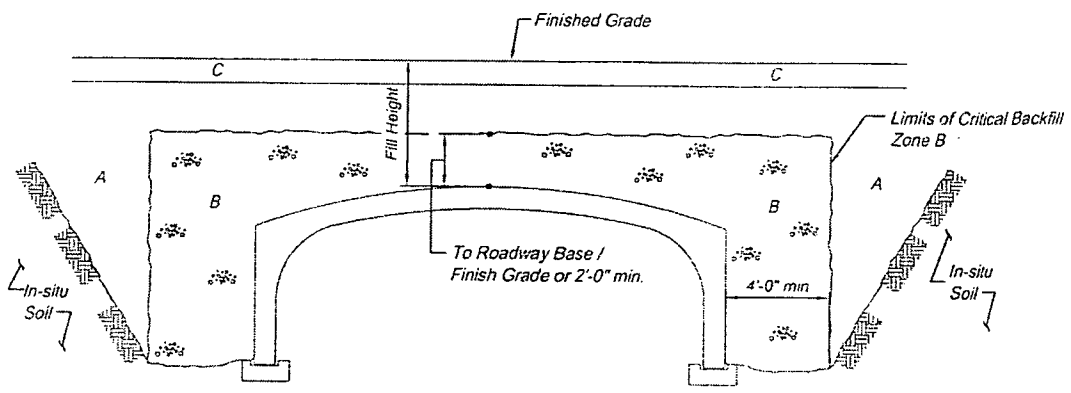
The contractor shall check settlements and horizontal displacement of foundation to ensure that they are within the allowable limit provided by the engineer. These measurements should give an indication of the settlements and deformations along the length of the foundations.

The first measurement row should take place after the erection of all precast bridge system elements, a second after completion of backfilling, and a third before opening of the bridge to traffic. Further measurements may be made according to local conditions.

The maximum difference in vertical displacements 'v' should not exceed 1 inch along the length of one foundation.

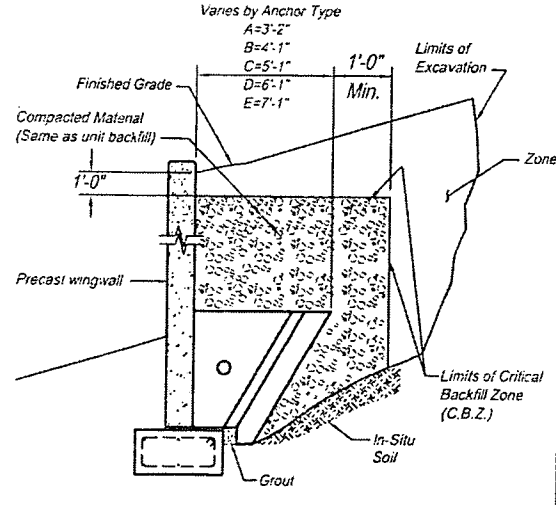
Acceptable Soils for use in Zone B Backfill

Typical USCS Materials	AASHTO Group	AASHTO SubGroup	Percent passing US Sieve No.			Character of Fraction passing No. 40 Sieve		Soil Description
			#10	#40	#200	Liquid Limit	Plasticity Index	
GW, GP, SP	A1	A-1a	50 max	30 max	15 max		6 max	Largely gravel but can include sand and fines
GM, SW, SP, SM		A-1b		50 max	25 max		6 max	Gravelly sand or graded sand, may include fines
GM, SM, ML, SP, GP	A2	A-2-4			35 max	40 max	10 max	Sands, gravels with low-plasticity silt fines
SC, GC, GM		A-2-5			35 max	41 max	10 max	Sands, gravels with plastic silt fines
SP, SM, SW	A3			51 min	10 max	non-plastic		Fine sands
ML, SM, SC	A4				36 min	40 max	10 max	Low-compressibility silts

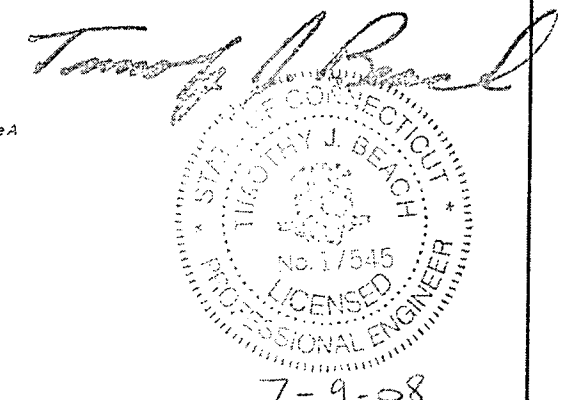


SPAN	FILL HEIGHT	ACCEPTABLE MATERIAL INSIDE ZONE B
≤ 24'-0"	≥ 12'-0"	A1, A3
≤ 24'-0"	< 12'-0"	A1, A2, A3, A4
> 24'-0"	all	A1, A3

BACKFILL REQUIREMENTS



WALL BACKFILL REQUIREMENTS



Engineer's Seal

CONTECH Bridge Solutions Inc. - System

CON/SPAN® BRIDGE SYSTEMS

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REVISIONS

Comments:

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Sheet Title

SPECIFICATIONS

NEW HARTFORD CONNECTICUT

JEFFERSON CELL TOWER

Project Status: APPROVAL ONLY: NOT FOR CONSTRUCTION

Designed MRW | Drawn JCH | Checked KJG | Date 6/11/2008

Project No. 17585

Sheet No. CT8